



Town of Paradise

Town Council Meeting Agenda

6:00 PM – May 12, 2020

Town of Paradise Council Chamber – 5555 Skyway, Paradise, CA

Mayor, Greg Bolin
Vice Mayor, Mike Zuccolillo
Council Member, Steve Crowder
Council Member, Jody Jones
Council Member, Melissa Schuster

Town Manager, Lauren Gill
Town Attorney, Dwight L. Moore
Town Clerk, Dina Volenski
Community Development Director, Susan Hartman
Administrative Services Director/Town Treasurer, Gina Will
Public Works Director/Town Engineer, Marc Mattox
Division Chief, CAL FIRE/Paradise Fire, John Messina
Chief of Police, Eric Reinbold

Meeting Procedures

- I. The Mayor is the Presiding Chair and is responsible for maintaining an orderly meeting. The Mayor calls the meeting to order and introduces each item on the agenda.
- II. The Town staff then provides a report to Council and answers questions from the Council.
- III. Citizens are encouraged to participate in the meeting process and are provided several opportunities to address Council. Any speaker addressing the Council is limited to three minutes per speaker - fifteen minutes per agenda item

PUBLIC COMMENT

In accordance with Governor Newsom's Executive Order N-29-20, remote public participation is allowed in the following ways:

Town Council meetings are available to be viewed on live-streamed at <https://livestream.com/townofparadise>

Public comment will be accepted by email with the subject line PUBLIC COMMENT ITEM ____ to dvolenski@townofparadise.com prior to 5:30 p.m. on the day of the meeting and will be read into the record during public comment. Written comments are subject to the regular time limitations of three minutes per speaker, please limit to 200 words or less. If you are unable to provide your comments in writing, please contact the Town Clerk's office for assistance at (530) 872-6291.

Public comment may be submitted by telephone during the meeting, prior to the close of public comment on an item by calling (530) 872-5951 at the time indicated by the Mayor. Alternately you may send an email with the subject line:

TELEPHONE PUBLIC COMMENT ITEM ____ to the Town Clerk dvolenski@townofparadise.com prior to 5:30 p.m. on the day of the meeting, include your telephone number and the Mayor will call you during public comment.

Disabled persons may request reasonable modifications or accommodations relating to the use of telephonic or electronic observation and participation prior to the Council meeting by contacting the Town Clerk at (530) 872-6291 ext. 102.

In compliance with the Americans with Disabilities Act (ADA) Compliance, persons who need special accommodations to participate in the Town Council meeting may contact the Town Clerk at least three business days prior to the date of the meeting to provide time for any such accommodation.

1. OPENING

- 1a. Call to Order
- 1b. Pledge of Allegiance to the Flag of the United States of America
- 1c. Invocation
- 1d. Roll Call
- 1e. Presentation - Paradise Ridge Community Land Group, Charles Brooks, Seana O'Shaughnessy
- 1f. p5 1. Consider rescinding the title of Vice Mayor from Council Member Michael Zuccolillo; and, 2. Selecting a new Vice-Mayor for the remainder of the term beginning May 12, 2020 through December 8, 2020. (Roll Call Vote)

2. CONSENT CALENDAR

One roll call vote is taken for all items. Consent items are considered to be routine business that does not call for discussion.

- 2a. p6 Approve minutes from the April 14, 2020 Regular Town Council meeting.
- 2b. p10 Approve April 2020 Cash Disbursements in the amount of \$2,028,504.26
- 2c. p18 Authorize the Town Manager to enter into an agreement with Nicki Jones relating to the use of public right of way adjacent to 6256 Skyway for the operation of their business.

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

For matters that are not on the Council business agenda, speakers are allowed three (3) minutes to address the Council. The Town Council is prohibited from taking action on matters that are not listed on the public agenda. The Council may briefly respond for clarification and may refer the matter to the Town staff.

5. PUBLIC HEARINGS

For items that require a published legal notice and/or a mailed notice.

Public Hearing Procedure:

- A. Staff Report
- B. Mayor opens the hearing for public comment in the following order:
 - i. Project proponents (in favor of proposal)
 - ii. Project opponents (against proposal)
 - iii. Rebuttals – if requested
- C. Mayor closes the hearing
- D. Council discussion and vote

- 5a. p32 Conduct the duly noticed and scheduled public hearing related to the Appeal of Planning Commission's Conditional Approval of the Anderson Brothers Corp. Temporary Use Permit Application [PL19-00383] to allow a proposed temporary "Log Storage & Processing Yard" emergency land use facility/operation and upon conclusion of this public hearing, consider adopting a **Motion to or Motions to:**

1. Concur with the Planning Commission determination that the proposed temporary land use project, particularly as conditioned, is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080(b)(3) and Section 15269 (Emergency Project) of the California Environmental Quality Act Guidelines; and, 2. Concur with the temporary use permit application project decision actions of the Planning Commission thereby **DENYING THE APPEAL**; and, 3. Authorize Town issuance of the conditioned Temporary Use Permit for the Anderson Brothers Corp. project application to allow a temporary “Log Storage & Processing Yard” land use on properties adjoining and located primarily south of 4716 thru 4724 Skyway; or, 4. Find that the Town shall not concur with the project decision actions of the Planning Commission, **Uphold the Appeal** and thereby **Deny the Project Application**. (ROLL CALL VOTE)

- 5b. p319 Conduct the duly noticed and scheduled public hearing to solicit comments regarding a proposed Substantial Amendment to the 2019-20 Annual Plan for the Community Development Block Grant. (This is the first of two public hearings, no action is requested at this time.)

6. COUNCIL CONSIDERATION

Action items are presented by staff and the vote of each Council Member must be announced. A roll call vote is taken for each item on the action calendar. Citizens are allowed three (3) minutes to comment on agenda items.

- 6a. Update on COVID-19 Re-Open Plan for Butte County. (No action requested)

- 6b. p321 Consider the following actions relating to recruitment for three vacancies on the Paradise Planning Commission:

1. Approve the Notice of Vacancies created by the expiring terms of Planning Commissioners James Clarkson and Stephanie Neumann and the resignation of Shannon Costa; and, 2. Approve the Planning Commissioner application; and, 3. Authorize staff to advertise the existing Planning Commissioner vacancies, which will include a legal notice, posting on the Town’s website, Facebook page and a media release. (ROLL CALL VOTE)

- 6c. p326 Consider adopting the following resolutions relating to the consolidation of the November 3, 2020 General Municipal Election, the regulations and costs for Candidate statements and direct the Town Clerk to transmit certified copies to the Butte County election department staff:

1. Adopt Resolution No. 20-___, A Resolution Calling and Giving Notice for the Holding of a General Municipal Election for the Election of Three Council Members; and,

2. Adopt Resolution No. 20-___, A Resolution Requesting the Butte County Board of Supervisors to Consolidate a General Municipal Election; and,

3. Adopt Resolution No. 20-___, A Resolution Adopting Regulations for Candidate Statements. (ROLL CALL VOTE)

6d. p335 1. Select a vendor for Hazard Tree Identification by Registered Professional ISA Board Certified Master Arborist and Authorize the Town Manager, Administrative Services Director and Town Attorney to negotiate an agreement with the selected vendor; and 2. Authorize the Town Manager to execute the appropriate documents relating to such services. 3. Do not award the Registered Professional Forester RFP. (ROLL CALL VOTE)

6e. p337 1. Approve Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise authorizing an application to the Clean Water State Revolving Fund for a \$2,000,000 AB74 2017/2018 Wildfire Recovery Planning Grant; and, 2. Contingent upon Council approval of Attachment A and subject grant application award, authorize the Town Manager to execute a Professional Services Agreement with HDR Engineering for the scope of work associated with the grant. (ROLL CALL VOTE)

7. COUNCIL INITIATED ITEMS AND REPORTS

- 7a. Council initiated agenda items
- 7b. Council reports on committee representation
- 7c. Future Agenda Items

8. STAFF COMMUNICATION

- 8a. Town Manager Report
 - Community Development Director Update

9. CLOSED SESSION - None

10. ADJOURNMENT

STATE OF CALIFORNIA)	SS.
COUNTY OF BUTTE)	
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date:	
<hr/>	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	



**Town of Paradise
Council Agenda Summary
Date: May 12, 2020**

Agenda Item 1(f)

Originated by: Dina Volenski, Town Clerk

Reviewed by: Lauren Gill, Town Manager

Subject: Town Council Selection of Vice-Mayor for the remainder of the term beginning May 12, 2020 through December 8, 2020

Council Action Requested: Consider rescinding the title of Vice Mayor from Council Member Michael Zuccolillo and selecting a new Vice-Mayor for the reminder of the term beginning May 12, 2020 through December 8, 2020.

Background: Every year the Town Council elects one Council Member to serve as Vice-Mayor. Any Council Member may be nominated for the office of Vice Mayor. Election requires the affirmative votes of at least three (3) members of the Council. (Resolution No. 88-55)

Discussion: The election process for the Vice Mayor is as follows:

1. The Mayor opens the nominations for Vice Mayor. Any Council Member may nominate any other Council Member – no motion necessary.
3. The Mayor asks for a Motion, a second and a Council vote to close the nominations for Vice Mayor.
4. Then Town Clerk takes a roll call vote on each Council Member nominated in the order of nomination.
5. When one Council Member receives a majority (three) affirmative votes, he/she will be deemed selected as the Vice Mayor for the remainder of the term and there will be no further vote on any subsequent nominees.

Conclusion: The Vice Mayor steps in to represent the Mayor if he/she is unable to attend meetings or represent the Town for other official duties. The Mayor serves as the presiding officer at Council meetings and is responsible for maintaining order at the meetings; executes certain documents approved by the Town Council, such as contracts, resolutions and ordinances and warrants drawn on the town treasurer; and, represents the Town at various ceremonial events. The Mayor and Vice Mayor also review and approve requests for proclamations.

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – April 14, 2020

1. OPENING

The Regular meeting of the Paradise Town Council was called to order by Mayor Bolin at 6:02 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America. An invocation was offered by Council Member Jody Jones.

COUNCIL MEMBERS PRESENT: Steve Crowder, Jody Jones, Melissa Schuster via telephone, and Greg Bolin, Mayor.

COUNCIL MEMBERS ABSENT: Mike Zuccolillo, Vice Mayor

STAFF PRESENT: Town Manager Lauren Gill, Town Attorney Dwight Moore, Town Clerk Dina Volenski, Assistant to the Town Manager Colette Curtis, Police Chief Eric Reinbold and Police Lieutenant Anthony Borgman.

Mayor Bolin read a statement informing the public on ways they could participate in the Council meeting, by emailing the Town Clerk prior to 5:30 p.m. on the day of the meeting or calling in on a dedicated phone line during the meeting to make public comments on any agenda item.

2. CONSENT CALENDAR

MOTION by Jones, seconded by Crowder, approved consent calendar items 2a through 2i with changes to item 2(h) Resolution No, 20-07, page 55 of the agenda, to reflect fiscal year 2020-2021 instead of 2019-2020. Roll call vote was unanimous with Vice Mayor Zuccolillo absent and not voting.

- 2a. Approved minutes of the January 10, 2020, February 11, 2020, February 18, 2020 and March 10, 2020 Town Council Regular meetings and March 23, 2020 Special meeting.
- 2b. Approved March 2020 Cash Disbursements in the amount of \$1,858,111.08
- 2c. Adopted Resolution No. 20-04 A Resolution of The Town Council of The Town of Paradise Accepting the Work Performed Under the Emergency Culvert Repairs Project; and, 2. Formally closing the emergency relating to culvert repairs at identified locations caused by the Camp Fire.
- 2d. Adopted Resolution No. 20-05, A Resolution of the Town Council of the Town of Paradise Amending and Re-Adopting Conflict of Interest Code for the Agencies and Departments of the Town of Paradise Which Incorporate by Reference the Fair Political Practices Commission's Standard Model Conflict of Interest.

- 2e. 1. Waived second reading of the entire Town Ordinance No. 594 and approved reading by title only; and, 2. Adopted Town Ordinance No. 594, "An Ordinance Amending Text Regulations within Paradise Municipal Code Title 17 [Zoning] Relative to Accessory Dwelling Units Regulations Consistent with New State Law Requirements".
- 2f. Appointed Linda Dye, an alternate, to fill a vacancy on the Measure C Citizen Oversight Committee due to the resignation of the committee Vice Chair, Kirk Trostle.
- 2g. Adopted Resolution No. 20-06, "A Resolution of the Town Council of the Town of Paradise authorized entering into a funding agreement with the State Water Resources Control Board and authorizing and designating representative for the Camp Fire Septic Tank Replacement Pilot Program."
- 2h. Adopted Resolution No. 20-07, a Resolution of the Town Council of the Town of Paradise Adopting a List of Projects for Fiscal Year 2020-21 Funded By SB 1: The Road Repair and Accountability Act of 2017.
- 2i. Authorized the Town Manager, Administrative Services Director and Town Attorney to negotiate a service extension with Ernst & Young LLP for Disaster Recovery Management Services; and Authorized the Town Manager to execute the appropriate documents.

3. ITEMS REMOVED FROM CONSENT CALENDAR - None

4. PUBLIC COMMUNICATION – None

Mayor Bolin read a statement concerning recent criminal charges that were brought against Vice Mayor Zuccolillo.

5. PUBLIC HEARINGS - None

6. COUNCIL CONSIDERATION

- 6a. **MOTION by Schuster, seconded by Jones**, approved the amended North Valley Community Foundation Permit Reduction Grant that will add \$1 Million dollars in funding to assist citizen who are rebuilding with permit fees, retroactive to February 19, 2020. Roll call vote was unanimous with Vice Mayor Zuccolillo absent and not voting.

- 6b. Town Council discussed and consider the following items:

Manager Gill informed the Town Council that there is an Ordinance in the Paradise Municipal Code whereby it is no longer valid or legal requiring the Town Manager to live in the Town limits. Ms. Gill stated that if Council wanted to require the newly appointed Town Manager to live within a certain distance of Town Hall, that would be something for them to consider.

Council discussed the issue of available housing within the Town and determined that now was not the time to make living within a certain distance of Town Hall a requirement.

Council also discussed the deadline of the application process due to COVID-19 and determined that if there were not enough applications received by the deadline, the deadline could be extended.

- 6b1. **MOTION by Jones, seconded by Crowder**, reviewed and approved the Town Manager recruitment flyer, with changes, and charged the committee to finalize the flyer with the consultant. Roll call vote was unanimous with Vice Mayor Zuccolillo absent and not voting.
- 6b2. **MOTION by Crowder, seconded by Jones**, reviewed and approved the recruitment advertising list. Roll call vote was unanimous with Vice Mayor Zuccolillo absent and not voting.
- 6b3. **MOTION by Schuster, seconded by Jones**, reviewed and approved tentative recruitment timeline and requested comments to the subcommittee on the final draft of the recruitment flyer between the dates of April 14 and April 17. Roll call vote was unanimous with Vice Mayor Zuccolillo absent and not voting.
- 6b4. **MOTION by Schuster, seconded by Jones**, nominated Council Member Jones and Mayor Bolin to the Town Manager Recruitment Process subcommittee. Roll call vote was unanimous with Vice Mayor Zuccolillo absent and not voting.

7. COUNCIL INITIATED ITEMS AND REPORTS

- 7a. Council initiated agenda items - None
- 7b. Council reports on committee representation – No Council reports due to COVID-19 cancelling public meetings.
- 7c. Future Agenda Items - None

8. STAFF COMMUNICATION

- 8a. Town Manager Report - COVID-19 Response Update

Town Manager Gill updated the Town Council on the COVID-19 activities and how the Town is maintaining safety for the staff and citizens.

Manager Gill also informed the Council that the Government Tree Removal Program is going to be delayed due to contract issues, but is still moving forward.

- 8b. Community Development Director

Town Manager Gill provided the Community Development Director report and informed the Council that the Anderson Tree Processing facility and Fallon Cat Kennel public hearings will be held at the April 21, 2020 Planning Commission

meeting; The notice has been sent out for DJ Gomes Tree Processing facility with a deadline of April 21 for public input; the Best Western motel is getting close to opening; Ponderosa Gardens is rebuilding a burned down portion of their facility and two cell tower replacements for AT&T and Verizon are in the process of being replaced.

9. CLOSED SESSION - None

10. ADJOURNMENT

Mayor Bolin adjourned the Town Council meeting at 6:55 p.m.

Date Approved:

By: _____
Greg Bolin, Mayor

Attest:

Dina Volenski, CMC, Town Clerk

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

**FOR THE PERIOD OF
APRIL 1, 2020 - APRIL 30, 2020**

April 1, 2020 - April 30, 2020

Check Date	Pay Period End	DESCRIPTION	AMOUNT
04/03/20	03/29/20	Net Payroll - Direct Deposits & Checks	\$117,103.45
04/17/20	04/12/20	Net Payroll - Direct Deposits & Checks	\$119,529.33
TOTAL NET WAGES PAYROLL			\$236,632.78
Accounts Payable			
PAYROLL VENDORS: TAXES, PERS, DUES, INSURANCE, ETC.			\$250,334.30
OPERATIONS VENDORS: SUPPLIES, CONTRACTS, UTILITIES, ETC.			\$1,541,537.18
TOTAL CASH DISBURSEMENTS - ACCOUNTS PAYABLE			<u>\$1,791,871.48</u>
(Detail attached)			
GRAND TOTAL CASH DISBURSEMENTS			<u><u>\$2,028,504.26</u></u>

APPROVED BY: _____
LAUREN GILL, TOWN MANAGER

APPROVED BY: _____
GINA S. WILL, FINANCE DIRECTOR/TOWN TREASURER

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 4/1/2020 - To Payment Date: 4/30/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - US Bank TOP AP Checking									
Check									
75700	04/01/2020	Open			Accounts Payable	ENTERPRISE FM TRUST	\$1,073.32		
75701	04/01/2020	Open			Accounts Payable	MOORE, DWIGHT, L.	\$18,579.00		
75702	04/01/2020	Open			Accounts Payable	SBA Monarch Towers III LLC	\$148.01		
75703	04/01/2020	Open			Accounts Payable	TIAA COMMERCIAL FINANCE, INC	\$906.47		
75704	04/01/2020	Open			Accounts Payable	WESTAMERICA BANK	\$20,137.76		
75705	04/03/2020	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$750.00		
75706	04/03/2020	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76		
75707	04/09/2020	Open			Accounts Payable	4LEAF, Inc	\$523,138.28		
75708	04/09/2020	Open			Accounts Payable	ADVANCED DOCUMENT CONCEPTS	\$41.25		
75709	04/09/2020	Open			Accounts Payable	Asbury Environmental Services	\$134.69		
75710	04/09/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$108.98		
75711	04/09/2020	Open			Accounts Payable	AT&T MOBILITY	\$89.46		
75712	04/09/2020	Open			Accounts Payable	AT&T/CALNET3 - REPEATER LINES	\$296.45		
75713	04/09/2020	Open			Accounts Payable	AT&T/CALNET3 - COMMUNITY PARK	\$21.04		
75714	04/09/2020	Open			Accounts Payable	AT&T/CALNET3 - Summary	\$2,231.37		
75715	04/09/2020	Open			Accounts Payable	AT&T/CALNET3 - TH/FDPD FIBER LINES	\$1,105.56		
75716	04/09/2020	Open			Accounts Payable	Big O Tires	\$1,032.00		
75717	04/09/2020	Open			Accounts Payable	Blue Flamingo Marketing Advocates	\$7,730.00		
75718	04/09/2020	Open			Accounts Payable	BUTTE CO NEAL ROAD LANDFILL	\$82.96		
75719	04/09/2020	Open			Accounts Payable	BUTTE CO RECORDER	\$124.00		
75720	04/09/2020	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$50.00		
75721	04/09/2020	Open			Accounts Payable	DATCO SERVICES CORPORATION	\$189.00		
75722	04/09/2020	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$131.53		
75723	04/09/2020	Open			Accounts Payable	ENLOE MEDICAL CENTER, INC.	\$318.00		
75724	04/09/2020	Open			Accounts Payable	ENTENMANN-ROVIN COMPANY	\$421.58		
75725	04/09/2020	Open			Accounts Payable	Ernst & Young US LLP	\$99,636.00		
75726	04/09/2020	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$307.84		
75727	04/09/2020	Open			Accounts Payable	Herc Rentals Inc.	\$9,763.21		
75728	04/09/2020	Open			Accounts Payable	HINDERLITER, DE LLAMAS & ASSOCIATES INC.	\$486.39		
75729	04/09/2020	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$9,792.78		
75730	04/09/2020	Open			Accounts Payable	INDUSTRIAL POWER PRODUCTS	\$589.82		
75731	04/09/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$67.77		
75732	04/09/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$86.07		
75733	04/09/2020	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$500.00		
75734	04/09/2020	Open			Accounts Payable	JC NELSON SUPPLY COMPANY	\$2,062.43		
75735	04/09/2020	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$368.30		
75736	04/09/2020	Open			Accounts Payable	Koff & Associates	\$29,278.00		
75737	04/09/2020	Open			Accounts Payable	LIFE ASSIST INC	\$1,397.63		
75738	04/09/2020	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$81.81		
75739	04/09/2020	Open			Accounts Payable	M. Roethler General Engineering	\$282.00		
75740	04/09/2020	Open			Accounts Payable	Macomber, Aaron & Tesa	\$1,895.59		
75741	04/09/2020	Open			Accounts Payable	MANN, URRUTIA, NELSON, CAS & ASSOC, LLP	\$2,200.00		

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 4/1/2020 - To Payment Date: 4/30/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
75742	04/09/2020	Open			Accounts Payable	Mark Thomas & Company Inc	\$2,579.18		
75743	04/09/2020	Open			Accounts Payable	Meyers Police K-9 Training, LLC	\$600.00		
75744	04/09/2020	Open			Accounts Payable	MORGAN TREE SERVICE	\$2,800.00		
75745	04/09/2020	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$215.60		
75746	04/09/2020	Open			Accounts Payable	MUNICIPAL CODE CORP	\$399.00		
75747	04/09/2020	Open			Accounts Payable	NEWMAN TRAFFIC SIGNS	\$4,754.30		
75748	04/09/2020	Open			Accounts Payable	North State Tire Co. Inc.	\$2,337.73		
75749	04/09/2020	Open			Accounts Payable	NORTH VALLEY BARRICADE, INC.	\$549.53		
75750	04/09/2020	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$4,380.56		
75751	04/09/2020	Open			Accounts Payable	Nutrien	\$3,527.62		
75752	04/09/2020	Open			Accounts Payable	O'REILLY AUTO PARTS	\$485.53		
75753	04/09/2020	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$1,087.34		
75754	04/09/2020	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$259.62		
75755	04/09/2020	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$1,703.00		
75756	04/09/2020	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$87.79		
75757	04/09/2020	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$2,580.00		
75758	04/09/2020	Open			Accounts Payable	PETERS RUSH HABIB & MCKENNA	\$1,020.00		
75759	04/09/2020	Open			Accounts Payable	PETERSON TRACTOR CO	\$1,781.84		
75760	04/09/2020	Open			Accounts Payable	PETTY CASH CUSTODIAN, HELEN CHEUNG	\$109.43		
75761	04/09/2020	Open			Accounts Payable	Regnier, Richard	\$174.97		
75762	04/09/2020	Open			Accounts Payable	Riebes Auto Parts-Motorpool	\$48.49		
75763	04/09/2020	Open			Accounts Payable	Robinson, Raylene	\$87.48		
75764	04/09/2020	Open			Accounts Payable	Spherion Staffing	\$5,975.25		
75765	04/09/2020	Open			Accounts Payable	Stratti	\$32,850.66		
75766	04/09/2020	Open			Accounts Payable	Swanson, Chris	\$54.91		
75767	04/09/2020	Open			Accounts Payable	Tahoe Pure Water Co.	\$22.50		
75768	04/09/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$615.00		
75769	04/09/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$2.23		
75770	04/09/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$39.63		
75771	04/09/2020	Open			Accounts Payable	Tri Flame Propane	\$223.54		
75772	04/09/2020	Open			Accounts Payable	Visinoni Brothers Construction	\$193,820.00		
75773	04/09/2020	Open			Accounts Payable	WITTMEIER AUTO CENTER	\$44.47		
75774	04/09/2020	Open			Accounts Payable	Aflac	\$146.92		
75775	04/09/2020	Open			Accounts Payable	Met Life	\$6,577.25		
75776	04/09/2020	Open			Accounts Payable	OPERATING ENGINEERS	\$848.00		
75777	04/09/2020	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$1,565.16		
75778	04/09/2020	Open			Accounts Payable	SUN LIFE INSURANCE	\$4,100.38		
75779	04/09/2020	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$536.61		
75780	04/09/2020	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$70.00		
75781	04/17/2020	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$750.00		
75782	04/17/2020	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76		
75783	04/21/2020	Open			Accounts Payable	Adams, Dustin	\$852.50		
75784	04/21/2020	Open			Accounts Payable	Auser, Mark	\$1,179.80		
75785	04/21/2020	Open			Accounts Payable	Austin, Holly	\$1,081.61		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 4/1/2020 - To Payment Date: 4/30/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
75786	04/21/2020	Open			Accounts Payable	Ayers, Craig	\$1,146.16		
75787	04/21/2020	Open			Accounts Payable	Baldrige, Michael	\$926.16		
75788	04/21/2020	Open			Accounts Payable	Bolin, Steven	\$1,027.87		
75789	04/21/2020	Open			Accounts Payable	Bothelio, Terry Lynn	\$860.70		
75790	04/21/2020	Open			Accounts Payable	Bowdy, Fredrick	\$1,121.62		
75791	04/21/2020	Open			Accounts Payable	Brown, Kenneth	\$1,126.17		
75792	04/21/2020	Open			Accounts Payable	Burkett, Joel	\$1,226.14		
75793	04/21/2020	Open			Accounts Payable	Burrows, Aaron	\$824.33		
75794	04/21/2020	Open			Accounts Payable	Campbell, Julie	\$977.07		
75795	04/21/2020	Open			Accounts Payable	Casey, Bob	\$913.41		
75796	04/21/2020	Open			Accounts Payable	Dorka, Margit Rev Trust	\$1,193.46		
75797	04/21/2020	Open			Accounts Payable	English, Travis	\$1,190.71		
75798	04/21/2020	Open			Accounts Payable	Esping Family Trust	\$888.88		
75799	04/21/2020	Open			Accounts Payable	Fitzpatrick, Larry	\$1,194.35		
75800	04/21/2020	Open			Accounts Payable	Flynn, Justin	\$641.25		
75801	04/21/2020	Open			Accounts Payable	Gowan, James	\$900.71		
75802	04/21/2020	Open			Accounts Payable	Hawkins, Marina	\$878.88		
75803	04/21/2020	Open			Accounts Payable	Hekman, Andrew	\$864.33		
75804	04/21/2020	Open			Accounts Payable	Herring, J Leon	\$867.98		
75805	04/21/2020	Open			Accounts Payable	Hill, Barbara	\$779.78		
75806	04/21/2020	Open			Accounts Payable	Jaarsma, Steven	\$515.04		
75807	04/21/2020	Open			Accounts Payable	Johnston, Jamie	\$864.33		
75808	04/21/2020	Open			Accounts Payable	Jonsson, Polly D Etal	\$1,249.82		
75809	04/21/2020	Open			Accounts Payable	Knapp, Alice	\$1,165.26		
75810	04/21/2020	Open			Accounts Payable	Knaus, Kevin	\$870.69		
75811	04/21/2020	Open			Accounts Payable	LaLor, Yvonne	\$1,147.07		
75812	04/21/2020	Open			Accounts Payable	Leddy, Gustav	\$714.02		
75813	04/21/2020	Open			Accounts Payable	Lyons, Patricia	\$625.80		
75814	04/21/2020	Open			Accounts Payable	Maddox, Danielle	\$982.51		
75815	04/21/2020	Open			Accounts Payable	Medlin, Laura	\$1,045.24		
75816	04/21/2020	Open			Accounts Payable	Murata, Sheryl	\$1,078.90		
75817	04/21/2020	Open			Accounts Payable	Nixon, Dale	\$790.69		
75818	04/21/2020	Open			Accounts Payable	Olshak, Hannelore	\$838.88		
75819	04/21/2020	Open			Accounts Payable	Olszewski, Betty	\$888.88		
75820	04/21/2020	Open			Accounts Payable	Onstein, Jason	\$943.41		
75821	04/21/2020	Open			Accounts Payable	Owen, Sue A Rev Trust	\$857.06		
75822	04/21/2020	Open			Accounts Payable	Pegram, Joyce	\$714.02		
75823	04/21/2020	Open			Accounts Payable	Pena, Jesus	\$1,137.66		
75824	04/21/2020	Open			Accounts Payable	Peterson, Ronald C	\$897.07		
75825	04/21/2020	Open			Accounts Payable	Primer, Donald	\$794.31		
75826	04/21/2020	Open			Accounts Payable	Rebentisch, Kenneth	\$189.60		
75827	04/21/2020	Open			Accounts Payable	Rose, Randall	\$772.05		
75828	04/21/2020	Open			Accounts Payable	Savage, Patti	\$1,124.34		
75829	04/21/2020	Open			Accounts Payable	Sbragia Rev Trust	\$1,005.16		
75830	04/21/2020	Open			Accounts Payable	Shirley, Patrick	\$1,111.63		
75831	04/21/2020	Open			Accounts Payable	Simmons, Robert	\$1,117.98		
75832	04/21/2020	Open			Accounts Payable	Snyder, Eugene	\$987.98		
75833	04/21/2020	Open			Accounts Payable	Sorensen, Steven	\$714.02		
75834	04/21/2020	Open			Accounts Payable	Thomsen, Travis	\$1,234.35		
75835	04/21/2020	Open			Accounts Payable	Tweedie, Daniel	\$1,263.45		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 4/1/2020 - To Payment Date: 4/30/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
75836	04/21/2020	Open			Accounts Payable	Ulmer, Jack	\$556.15		
75837	04/21/2020	Open			Accounts Payable	Ward, Kevin	\$1,121.04		
75838	04/23/2020	Open			Accounts Payable	ACCESS INFORMATION PROTECTED	\$102.50		
75839	04/23/2020	Open			Accounts Payable	AT&T WIRELESS SERVICES	\$47.68		
75840	04/23/2020	Open			Accounts Payable	Big O Tires	\$60.00		
75841	04/23/2020	Open			Accounts Payable	Bug Smart	\$83.00		
75842	04/23/2020	Open			Accounts Payable	BUTTE CO NEAL ROAD LANDFILL	\$1,141.61		
75843	04/23/2020	Open			Accounts Payable	BUTTE COLLEGE, PUBLIC SERVICE CENTER	\$1,968.00		
75844	04/23/2020	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$548.00		
75845	04/23/2020	Open			Accounts Payable	COMCAST CABLE	\$389.78		
75846	04/23/2020	Open			Accounts Payable	COMCAST CABLE	\$244.78		
75847	04/23/2020	Open			Accounts Payable	COMCAST CABLE	\$139.78		
75848	04/23/2020	Open			Accounts Payable	Down Range Indoor Training Center	\$134.02		
75849	04/23/2020	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$863.75		
75850	04/23/2020	Open			Accounts Payable	Eagle Security Systems	\$30.00		
75851	04/23/2020	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$241.91		
75852	04/23/2020	Open			Accounts Payable	GREEN RIDGE LANDSCAPING	\$5,032.76		
75853	04/23/2020	Open			Accounts Payable	Headsets Plus	\$1,511.90		
75854	04/23/2020	Open			Accounts Payable	Herc Rentals Inc.	\$5,078.55		
75855	04/23/2020	Open			Accounts Payable	HLP, INC / CHAMELEON SOFTWARE PRODUCTS	\$2,068.80		
75856	04/23/2020	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$2,444.41		
75857	04/23/2020	Open			Accounts Payable	INDUSTRIAL POWER PRODUCTS	\$385.91		
75858	04/23/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$365.05		
75859	04/23/2020	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$367.12		
75860	04/23/2020	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$650.00		
75861	04/23/2020	Open			Accounts Payable	JOHNNY ON THE SPOT PORTABLES	\$1,025.15		
75862	04/23/2020	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$323.20		
75863	04/23/2020	Open			Accounts Payable	KOEFRAN INDUSTRIES	\$500.00		
75864	04/23/2020	Open			Accounts Payable	LIFE ASSIST INC	\$77.58		
75865	04/23/2020	Open			Accounts Payable	MAGOON SIGNS	\$44.59		
75866	04/23/2020	Open			Accounts Payable	Merck Animal Health	\$256.73		
75867	04/23/2020	Open			Accounts Payable	Meyers Police K-9 Training, LLC	\$1,600.00		
75868	04/23/2020	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$73.14		
75869	04/23/2020	Open			Accounts Payable	MUNICIPAL CODE CORP	\$462.00		
75870	04/23/2020	Open			Accounts Payable	NCCSIF TREASURER	\$98,221.50		
75871	04/23/2020	Open			Accounts Payable	NCCSIF TREASURER	\$725.00		
75872	04/23/2020	Open			Accounts Payable	North State Tire Co. Inc.	\$2,011.54		
75873	04/23/2020	Open			Accounts Payable	O'REILLY AUTO PARTS	\$326.81		
75874	04/23/2020	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$489.61		
75875	04/23/2020	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$8,172.13		
75876	04/23/2020	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$687.00		
75877	04/23/2020	Open			Accounts Payable	R B SPENCER INC	\$1,082.50		
75878	04/23/2020	Open			Accounts Payable	RENTAL GUYS - CHICO	\$190.90		
75879	04/23/2020	Open			Accounts Payable	Reyes-Resendiz, Eleazar	\$422.42		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 4/1/2020 - To Payment Date: 4/30/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
75880	04/23/2020	Open			Accounts Payable	Shelby's Pest Control, Inc.	\$100.00		
75881	04/23/2020	Open			Accounts Payable	Spherion Staffing	\$8,436.80		
75882	04/23/2020	Open			Accounts Payable	Stratti	\$6,492.74		
75883	04/23/2020	Open			Accounts Payable	SUN RIDGE SYSTEMS, INC.	\$18,156.00		
75884	04/23/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$490.12		
75885	04/23/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$335.37		
75886	04/23/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$9.74		
75887	04/23/2020	Open			Accounts Payable	Tri Flame Propane	\$188.53		
75888	04/23/2020	Open			Accounts Payable	TYLER TECHNOLOGIES, INC.	\$1,444.50		
75889	04/23/2020	Open			Accounts Payable	UNITED RENTALS, INC.	\$2,049.73		
75890	04/23/2020	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$292.00		
75891	04/23/2020	Open			Accounts Payable	VERIZON WIRELESS	\$1,711.61		
75892	04/23/2020	Open			Accounts Payable	Walton, Brent	\$1,963.70		
75893	04/23/2020	Open			Accounts Payable	WELLS FARGO BANK NA	\$2,500.00		
75894	04/23/2020	Open			Accounts Payable	City and County of San Francisco	\$52,904.78		
75895	04/23/2020	Open			Accounts Payable	City of Folsom	\$4,445.27		
75896	04/23/2020	Open			Accounts Payable	City of Palo Alto	\$11,726.10		
75897	04/23/2020	Open			Accounts Payable	City of Rialto	\$5,939.70		
75898	04/23/2020	Open			Accounts Payable	City of Rio Vista	\$7,125.85		
75899	04/23/2020	Open			Accounts Payable	City of San Jose	\$8,013.56		
75900	04/23/2020	Open			Accounts Payable	City of West Sacramento	\$3,531.52		
75901	04/23/2020	Open			Accounts Payable	City of Winters	\$11,466.06		
75902	04/23/2020	Open			Accounts Payable	County of Mendocino	\$4,076.94		
75903	04/23/2020	Open			Accounts Payable	County of Sonoma	\$8,528.92		
75904	04/23/2020	Open			Accounts Payable	County of Yolo	\$5,603.70		
75905	04/23/2020	Open			Accounts Payable	Humboldt County	\$2,921.58		
75906	04/23/2020	Open			Accounts Payable	Kern County Animal Services	\$10,897.68		
75907	04/23/2020	Open			Accounts Payable	Sacramento County	\$19,892.26		
75908	04/23/2020	Open			Accounts Payable	Santa Clara County	\$22,584.63		
Type Check Totals:					209 Transactions		\$1,434,240.17		
EFT									
988	04/03/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$30,136.92		
989	04/03/2020	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$5,965.58		
990	04/03/2020	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$7,128.62		
991	04/03/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$20,925.60		
992	04/09/2020	Open			Accounts Payable	CALPERS	\$104,294.07		
993	04/17/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$31,294.31		
994	04/17/2020	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$6,095.44		
995	04/17/2020	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$7,128.62		
996	04/17/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$21,631.30		
997	04/30/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$123,030.85		
Type EFT Totals:					10 Transactions		\$357,631.31		

AP - US Bank TOP AP Checking Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	209	\$1,434,240.17	\$0.00

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 4/1/2020 - To Payment Date: 4/30/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	209	\$1,434,240.17	\$0.00	
					EFTs	Status	Count	Transaction Amount	Reconciled Amount
						Open	10	\$357,631.31	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	0	\$0.00	\$0.00
						Total	10	\$357,631.31	\$0.00
					All	Status	Count	Transaction Amount	Reconciled Amount
						Open	219	\$1,791,871.48	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	0	\$0.00	\$0.00
						Stopped	0	\$0.00	\$0.00
						Total	219	\$1,791,871.48	\$0.00
Grand Totals:									
					Checks	Status	Count	Transaction Amount	Reconciled Amount
						Open	209	\$1,434,240.17	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	0	\$0.00	\$0.00
						Stopped	0	\$0.00	\$0.00
						Total	209	\$1,434,240.17	\$0.00
					EFTs	Status	Count	Transaction Amount	Reconciled Amount
						Open	10	\$357,631.31	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	0	\$0.00	\$0.00
						Total	10	\$357,631.31	\$0.00
					All	Status	Count	Transaction Amount	Reconciled Amount
						Open	219	\$1,791,871.48	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	0	\$0.00	\$0.00
						Stopped	0	\$0.00	\$0.00
						Total	219	\$1,791,871.48	\$0.00



**Town of Paradise
Council Agenda Summary
Date: May 12, 2020**

Agenda Item: 2(c)

Originated by: Marc Mattox, Public Works Director/Town Engineer

Reviewed by: Lauren Gill, Town Manager

Subject: 6256 Skyway Public Right of Way Use License Agreement

Council Action Requested:

1. Authorize the Town Manager to enter into an agreement with Nicki Jones relating to the use of public right of way adjacent to 6256 Skyway for the operation of their business.

Background:

Nicki Jones is the property owner of 6256 Skyway and operates a business, Nic's Restaurant, at this location. According to current records, the Public Right of Way adjacent to 6256 Skyway is within several feet from the physical building at the corner of Skyway and Fir St.

Ms. Jones has indicated a desire to formalize the use of the public right of way for her business.

Discussion:

The Town Attorney has prepared a formal License Agreement, attached to this staff report, to regulate the use of Town property for the operation of the business at 6256 Skyway. This agreement is necessary to provide minimum insurance requirements and restrictions for the placement of associated chairs and tables to maintain ADA compliance.

The proposed no-fee agreement is for two (2) years with indefinite 2-year extensions at the sole discretion of the Town.

Fiscal Impact Analysis:

None.

LICENSE AGREEMENT

This License Agreement is made and entered into _____, 2020, by and between the Town of Paradise, a municipal corporation ("Licensor") and Nicki Jones ("Licensee").

WITNESSETH:

1. Licensor hereby grants a revocable license to Licensee upon the terms and conditions set forth in this License Agreement for the sole purpose of locating a deck, tables and chairs associated with a restaurant adjacent to real property located at 6256 Skyway, Paradise, California, as shown in orange in Exhibit "A" ("License Area"). Such deck, tables and chairs shall be used only in conjunction with the real property described in Exhibit "B". The placement of the tables and chairs shall be approved by Licensor. In no event shall Licensee place any tables, chairs or objects within the ADA Path of Travel of the License Area as shown on Exhibit "C".

2. This License Agreement shall not be assigned in whole or in part without the prior written consent of Licensor.

3. This License Agreement shall continue in effect until _____, 20__; provided, Licensor shall have the right to terminate this License Agreement at any time by giving Licensee a thirty day written notice. Upon termination of this License, Licensee shall remove the deck, tables and chairs from the License Area within 30 days thereafter. This License Agreement may be extended for 2 year periods at the sole discretion of the Town.

4. No ownership rights in the Licensor's real property along the License Area shall be deemed granted by this License Agreement.

5. Licensee is not required to pay a fee to the Licensor for the use of this License Agreement.

6. The exercise of this License and use of the License Area shall be at the sole risk and expense of Licensee. At all times Licensee shall maintain the License Area in good and clean condition and free of debris.

7. Licensee shall defend, indemnify, and hold harmless Licensor, against all loss, damage, expense, and liability arising out of or in any way connected with the exercise of the privileges and license granted by this License Agreement, except such damages or losses arising from the sole and active negligence of Licensor.

8. Licensee shall provide evidence of insurance covering the uses and activities authorized by the License Agreement relating to bodily injury liability and property damage liability resulting from operations of the Licensee.

The insurance policy coverage shall set forth:

- a. The dates of inception and expiration of the insurance;
- b. The amounts of commercial general liability insurance coverage of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate and the amount of property damage coverage of not less than \$100,000;
- c. A statement that the insurance coverage will not be cancelled without giving 10 days prior written notice to Licensor; and
- d. A statement that insurance coverage is on an occurrence basis.

9. Any notice under this License Agreement shall be deemed given on the date of its deposit in the United States Mail, first class postage prepaid addressed respectively Licensor or Licensee as follows:

Licensor: Town Manager
Town of Paradise
5555 Skyway
Paradise, CA 95969

Licensee: Nicki Jones
6256 Skyway
Paradise, CA 95969

10. Licensee shall obtain from all public authorities and private owners of real property any and all permits, licenses, or grants necessary for the lawful exercise of this License.

11. Licensee recognizes and understands that this License Agreement may create a possessory in the License Area subject to property taxation and that Licensee may be subject to the payment of property taxes levied on such interest.

12. Time is of the essence in respect to this License Agreement.

13. In the event of any legal action arising out of this License Agreement, the prevailing party shall be entitled to receive its reasonable attorney's fees and court costs.

14. This is an integrated License Agreement and contains the complete understanding of the parties and shall be modified only by the mutual written agreement of the parties.

IN WITNESS WHEREOF, the Licensee and the Licensor have executed this Agreement below.

LICENSOR:

TOWN OF PARADISE, a
Municipal Corporation

By: _____
Lauren M. Gill, Town Manager

LICENSEE:

NICKI JONES

ATTEST:

By: _____
Town Clerk

APPROVED AS TO FORM:

By: _____
Town Attorney

EXHIBIT “A”
LICENSE AREA

EXHIBIT “B”

Legal Description

EXHIBIT “C”

ADA Path of Travel Clearance

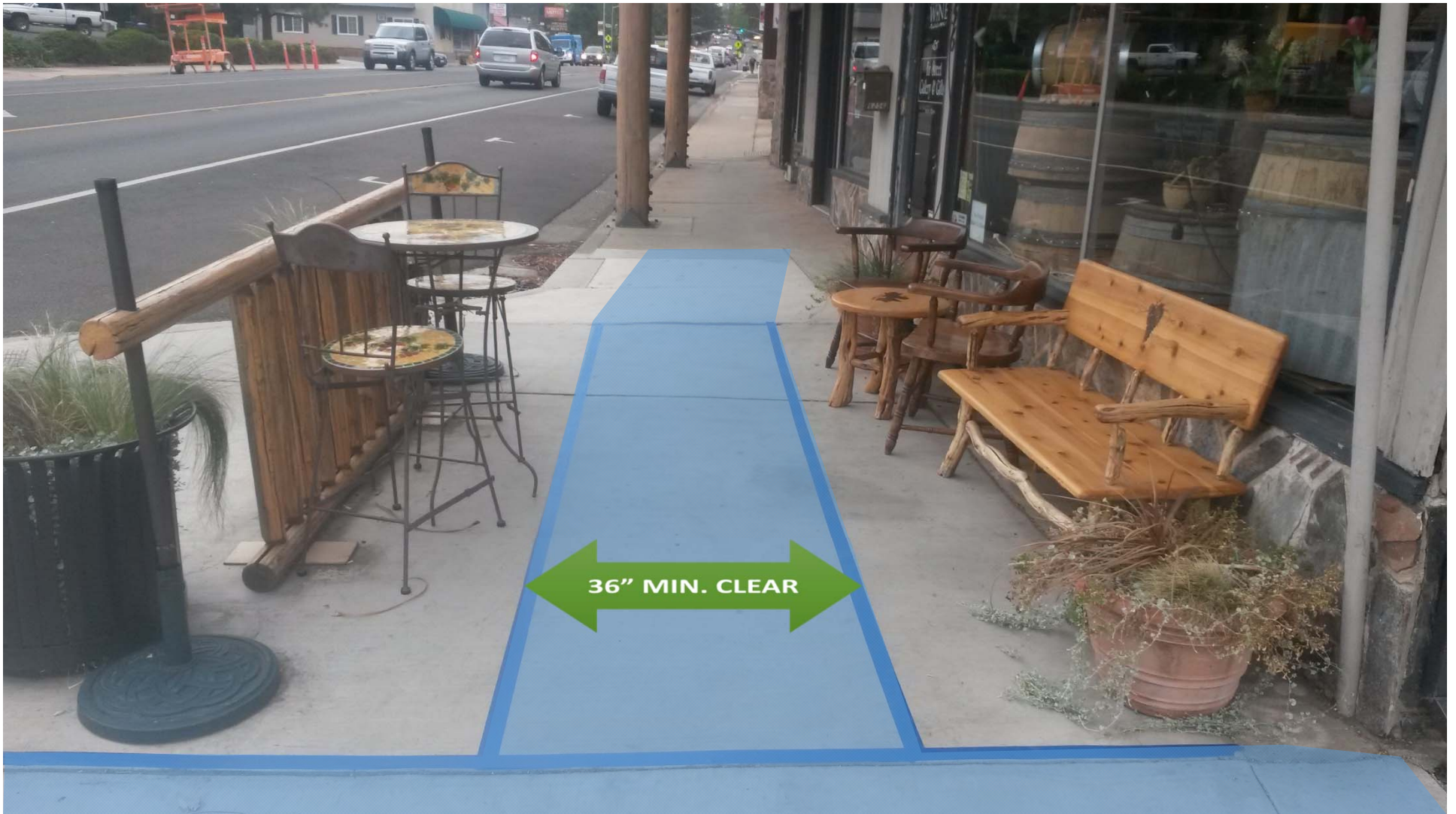
Exhibit A – 6256 Skyway License Area



Exhibit B – Unobstructed ADA Path of Travel Facing South



Exhibit C – Unobstructed ADA Path of Travel Facing North



RECORDING REQUESTED BY:
Fidelity National Title Company of
California
Escrow No. 303509-MLB
Title Order No. 00303509

When Recorded Mail Document
and Tax Statement To:
Mr. and Mrs. Harold A. Funk
3849 Silvera Court
Paradise, CA 95969

2002-0016363

Recorded	REC FEE	10.00
Official Records	TAX	176.00
County Of	MONUMEN	10.00
BUTTE		
CANDACE J. GRUBBS		
Recorder		
ROSEMARY DICKSON		
Assistant	Maureen	
09:00AM 02-Apr-2002	Page 1 of 2	

APN: 052-141-016

GRANT DEED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned grantor(s) declare(s)
Documentary transfer tax is \$176.00

- [X] computed on full value of property conveyed, or
[] computed on full value less value of liens or encumbrances remaining at time of sale,
[] Unincorporated Area City of /Town of Paradise

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Marianna R. Love and Ray Varlinsky, who are married to each other as Joint Tenants

hereby GRANT(S) to Harold A. Funk and Pamela A. Funk, husband and wife as Joint Tenants

the following described real property in the City of /Town of Paradise
County of Butte, State of California:
SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

DATED: April 1, 2002

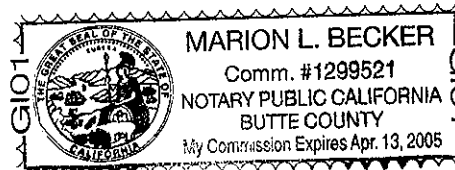
STATE OF CALIFORNIA
COUNTY OF Butte
ON April 1, 2002 before me,
Marion L. Becker, Notary personally appeared
Marianna R. Love and Ray Varlinsky

Marianna R. Love
Marianna R. Love
Ray Varlinsky
Ray Varlinsky

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature Marion L. Becker



MAIL TAX STATEMENTS AS DIRECTED ABOVE

EXHIBIT ONE

Being a portion of the Southeast quarter of Section 15, Township 22 North, Range 3 East, M.D.B. & M., and being more particularly described as follows:

Being a parcel of land as shown on that certain Record of Survey Map for Robert L. Hallstrom and LeRoy Taylor, which Map was filed in the Office of the Recorder of Butte County, California in Book 61 of Maps at Page 63 and being more particularly described as follows:

BEGINNING at the South quarter corner of said Section 15, said corner being marked by a 2 3/4" toppler marked for said corner by LS 2843; thence North 49° 51' 44" East for 285.47 feet to the True Point of Beginning for the parcel of land herein described, said point being the Southwest corner of Parcel 1 as described in Deed to LeRoy A. Taylor, et ux, recorded December 31, 1968 in Book 1548 of Butte County Official Records, at Page 641; said point being also marked by a nail and tag LS 3634; thence from said True Point of Beginning, North 27° 44' 40" East, parallel to and 38.00 feet distant from the centerline of Skyway for 55.08 feet to the Northwest corner of said Parcel 1, said point being marked by a nail and tag LS 3634; thence South 65° 23' 40" East for 2.00 feet to the Southwest corner of Parcel 2 as described in said Deed to Taylor, said point being marked by a nail and tag LS 3634; thence South 62° 15' 20" East for 10.83 feet to a nail and tag LS 3634; thence South 27° 44' 40" West for 0.38 feet to a nail and tag LS 3634; thence South 66° 03' 23" East for 28.78 feet to a 3/4" iron pipe and tag LS 3634; thence North 24° 36' 20" East for 0.64 feet to a point located in the 3/4" iron pipe and tag LS 3634; thence following along said Southerly boundary line, South 65° 23' 40" East and parallel to the centerline of Fir Street for 38.13 feet, said point being the Northeasterly corner of said Parcel 1, said point being marked an iron pipe and tag LS 3634; thence South 24° 39' 15" West and parallel to the centerline of Almond Street for 55.00 feet to a point located in the Northerly boundary line of Fir Street, said being the Southeasterly corner of said Parcel 1, said point being marked by a 3/4" iron pipe and tag LS 3634; thence following along said Northerly boundary line of Fir Street, North 65° 23' 40" West for 82.67 feet to the True Point of Beginning.



Town of Paradise
Council Agenda Summary
Date: May 12, 2020

Agenda Item: 5 (a)

ORIGINATED BY: Susan Hartman, Community Development Director
REVIEWED BY: Lauren M. Gill, Town Manager
SUBJECT: Public Hearing: Appeal of Planning Commission's Conditional Approval of the Anderson Brothers Corp. Temporary Use Permit Application [PL19-00383] to allow a proposed temporary "Log Storage & Processing Yard" emergency land use facility/operation

COUNCIL ACTION REQUESTED:

Conduct the duly noticed and scheduled public hearing related to this agenda item. Upon conclusion of this public hearing, consider adopting a **Motion to or Motions to:**

1. Concur with the Planning Commission determination that the proposed temporary land use project, particularly as conditioned, is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080(b)(3) and Section 15269 (Emergency Project) of the California Environmental Quality Act Guidelines; **AND**
2. Concur with the temporary use permit application project decision actions of the Planning Commission thereby **DENYING THE APPEAL; AND**
3. Authorize Town issuance of the conditioned Temporary Use Permit for the Anderson Brothers Corp. project application to allow a temporary "Log Storage & Processing Yard" land use on properties adjoining and located primarily south of 4716 thru 4724 Skyway; **OR**
4. Find that the Town shall not concur with the project decision actions of the Planning Commission, **Uphold the Appeal** and thereby **Deny the Project Application.**

ALTERNATIVE ACTIONABLE OPTION(S):

1. Adopt an alternative directive to town staff.

BACKGROUND:

On December 23, 2019 and pursuant to Paradise Municipal Code Chapter 17.32 [Temporary Use Regulations] and the provisions of Section 8 of Town Urgency Ordinance #590 relating to the

removal of fire damaged debris from private property following the Camp Fire, Anderson Brothers Corp. filed application with the Town proposing to establish a temporary and short term (calendar year 2020) “Log Storage & Processing Yard” land use facility/operation to be associated with the post Camp Fire hazardous tree & slash removal properties restoration activities.

The proposed project land use is to include delivery of wood materials from private properties and the Private Hazard Tree Program (**not to include the Government Hazard Tree Removal Program materials**) and onsite storage/processing and shipment of wood materials from the site. The project properties combine to encompass a 41.3-acre area zoned Community Commercial, Agricultural Residential 1-acre minimum, and Rural Residential 2/3-acre minimum located at, and adjacent to 4716 thru 4724 Skyway, Paradise. As such, the proposed project will implement activity relating to restoration of the Town.

The Temporary Use Permit project application that was submitted and resubmitted to the Town with additional project details after initially being deemed “incomplete” for processing was thoroughly evaluated by town staff and staff of various local and state agencies [i.e. Cal-Fire, PID, Butte County Air Quality Management District, State Fish & Wildlife, Butte County Public Health, Environmental Health Division, Town Engineer, Town Police Chief, etc.]. Collectively, and based upon all project evaluations received, the town staff determined that the proposed temporary “Log Storage & Processing Yard” project application: 1) includes all the required application requirements of Town Urgency Ordinance #590; 2) addresses all the applicable required project standards of the Urgency Ordinance; and as recommended to be conditioned would be eligible for Town approval and issuance of the Temporary Use Permit.

As required by Section 8 of Town Urgency Ordinance #590 Town planning staff generated a “Notice of Pending Temporary Use Permit Issuance” for the project application and mailed it ten (10) days prior to the intended permit approval/issuance date to property owners within 1,200 feet of the project property line boundaries. Subsequently, the Community Development Director received written requests for a formal hearing on the project application from some of the potentially affected property owners. Thus, the matter was then scheduled and duly noticed (including mailed notice) for public hearing before the Planning Commission during its **March 17, 2020** meeting.

Due to a lack of a Planning Commission quorum on March 17, 2020 the duly noticed public hearing project application was adjourned to a specific date certain to the **April 21, 2020** Planning Commission meeting. On **April 21, 2020**, and after concluding its lengthy public hearing, the Planning Commission adopted the following listed action:

1. Rendered Town approval and issuance of a Temporary Use Permit for the project application based on three project “findings” and subject to forty-eight project conditions as provided by staff.

On **April 23, 2020**, a written APPEAL of the Planning Commission project application decision action was filed with the Town by a Mr. Paul Farsai.

DISCUSSION:

The regulatory provisions of the Paradise Municipal Code [PMC] require that an appeal of any Planning Commission decision regarding a land use entitlement must be scheduled for public hearing and the hearing conducted before the Town Council within forty (40) days after receipt of a written appeal and related appeal fee. These PMC provisions also state that if the Town Council does not finalize its action on the appeal within ninety (90) days after the appeal filing, the Planning Commission decision action shall be deemed affirmed.

The appeal process requires the Town Council to carefully evaluate the evidence previously considered by the Planning Commission “in conjunction with evidence” the Town Council receives during its public hearing on this matter. After concluding its public hearing, the Town Council needs to determine whether, or not substantial evidence supports the Council’s decision to either: affirm, reverse, revise or modify the appealed decision action of the Planning Commission.

Town staff has determined, and the Planning Commission has concurred, that the proposed temporary land use project, particularly as conditioned, is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080(b)(3) and Section 15269 (Emergency Project) of the California Environmental Quality Act Guidelines because it implements an activity related to tree removal that allows the restoration of the Town in accordance with Ordinance No. 590, an Urgency Ordinance.

For your convenience, town planning staff has also generated and attached other information materials related to this agenda item. Also, if deemed necessary by a majority consensus of the Town Council present, staff will be prepared to discuss and make possible changes and/or additions to the text of the project proposed Temporary Use Permit document prior to Town Council project decision action.

FINANCIAL IMPACT:

The Town costs [publication of hearing notice, mailing of public hearing notices, staff time, etc.] associated with the processing of this appeal matter shall be borne by the appellants.

Attachments

**ATTACHMENTS
FOR
COUNCIL AGENDA ITEM NO. 5(a)**

1. Published public hearing notice for the May 12, 2020 Town Council hearing.
2. Project vicinity map.
3. List of property owners notified of the May 12, 2020 Town Council hearing.
4. Excerpted copy of Planning Commission meeting minutes of **April 21, 2020**.
5. Copy of Planning Commission decision written APPEAL filed by Mr. Paul Farsai.
6. Written comments received from the public.
7. Copy of **April 14, 2020** staff memorandum (with attached documents) provide to the Planning Commission.

**TOWN OF PARADISE
NOTICE OF PUBLIC HEARING
PARADISE TOWN COUNCIL**

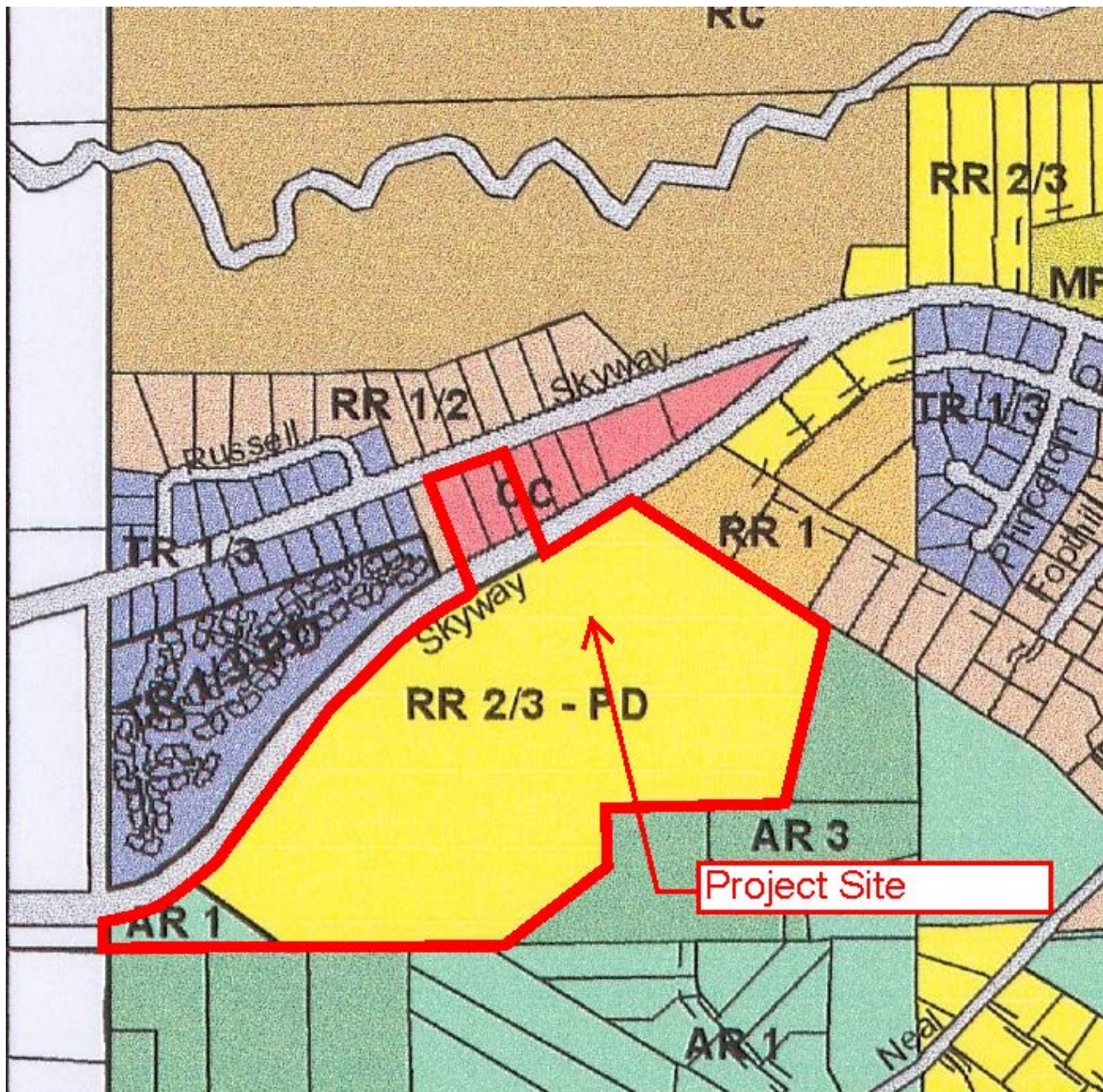
NOTICE IS HEREBY GIVEN by the Paradise Town Council that a public hearing will be held on **Tuesday, May 12, 2020** at 6:00 p.m. in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following matters:

- a. Item determined to be exempt from environmental review under Public Resources Code Section 21080(b)(3) and CEQA Guidelines Section 15269 (Emergency Project)

ANDERSON BROTHERS CORP. TEMPORARY USE PERMIT (PL19-00383) APPLICATION:
APPEAL of the Paradise Planning Commission decision to conditionally approve the proposed establishment and operation of a temporary and short-term (calendar year 2020 only) “Log Storage & Processing Yard” land use associated with the post Camp Fire hazardous tree & slash removal properties restoration activities. Project land use is to include delivery of wood materials from private properties and the Private Hazard Tree Program **(not to include the Government Hazard Tree Removal Program materials)** and onsite storage/processing and shipment of wood materials from the site. The proposed project properties combine to encompass a 41.3-acre area zoned Community Commercial, Agricultural Residential 1-acre minimum, and Rural Residential 2/3-acre minimum located at, and adjacent to 4716 thru 4724 Skyway, Paradise, AP Nos. 051-240-011, 012 & 051-230-047, 054, & 055.

The project file is available for public inspection at the **Building Resiliency Center, 6295 Skyway, by appointment only**. If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Town Clerk at, or prior to, the public hearing. For further information please contact the Town Development Services Department (planning division), Town Hall, 5555 Skyway, Paradise, CA (530) 872-6291, extension 114.

Dina Volenski
Town Clerk



APPLICANT: Dave Anderson

OWNER: Anderson Brothers Corp.

Due South of 4716-4724 Skyway

PROJECT DESCRIPTION:

Proposed temporary (7-8 months) "Log Storage & Processing Yard" land use on community commercial, agricultural residential, and rural residential zoned properties. The site is to be served with temporary portable restrooms, etc.

ZONING: RR 2/3, AR-1, & C-C

GENERAL PLAN: RR, AR, TC

FILE NO. PL19-00383

ASSESSOR PARCEL NOS. 051-230-047, 054, 055 & 051-240-011, 012

MEETING DATE: 05/12/2020



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6626 Skyway
Paradise, CA 95969

Paradise Ridge Chamber of
Commerce
6161 Clark Road Ste. 1
Paradise, CA 95969

Paradise Board of Realtors
6178 Center Street
Paradise, CA 95969

Butte County Planning
Courier

Paradise Cemetery District
980 Elliott Road
Paradise, CA 95969

Butte Co. Air Quality Mgmt. Dist.
629 Entler Ave., Suite 15
Chico, CA 95928

Butte Environmental Council
313 Walnut St., Ste. 140
Chico, CA 95928

Pacific Gas & Electric
Laird Oelrichs, Land Agent
350 Salem St.
Chico, CA 95928



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LABARBERA DAVID A ETAL
LABARBERA DAVID M
1200 SHERMAN AVE
CHICO CA 95926

051-230-028-000
DEBRUNNER MARVIN M JR &
DEBORAH S
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OROVILLE CA 95966

051-230-041-000
CANYON VIEW APARTMENTS LLC
PO BOX 5999
OROVILLE CA 95966

051-230-047-000
ANDERSON BROTHERS CORP
RETIREMENT PLAN TRUST
13636 ANDERSON BROTHERS DR
CHICO CA 95973

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SCHOTT DAVID C REVOCABLE INTER VIVOS
TRUST
C/O SCHOTT DAVID C TRUSTEE
1692 MANGROVE AVE PMB 2023
CHICO CA 95926

051-240-004-000
JARVIS LILA LIVING TRUST ESTATE
C/O SIIRTOLA LANI SUCC TRUSTEE
P O BOX 440
DOLLAR BAY MI 49922

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ANDERSON BROTHERS CORP
RETIREMENT PLAN TRUST
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CHICO CA 95973

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ANDERSON BROTHERS CORP
RETIREMENT PLAN TRUST
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MCNELLEY WILLIAM J LIVING TRUST
ETAL C/O MCNELLEY WILLIAM J
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CHICO CA 95973

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507 WASHINGTON ST
REDDING CA 96080

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SHELLEY BERNADETTE H
208 PACIFIC DR
PARADISE CA 95969

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LOVETT ROBERT F
1270 VALLEY FORGE DR
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HANSEN FAMILY TRUST
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PO BOX 4212
CHICO CA 95927

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MILLER MATTHEW S
217 CRAFT LN
PARADISE CA 95969

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JARVIS KENNETH E EXEMPT EQUIVALENT
TRUST C/O JARVIS-SIIRTOLA LANI TRUSTEE
ETAL
P O BOX 440
DOLLAR BAY MI 49922

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CHISUM JAMES & CYNTHIA A
7693 WHEATLAND RD N
KEIZER OR 97303

051-250-082-000
DEMAREST FAMILY TRUST
C/O DEMAREST WILLIAM D & DIANE R
5321 ORCHARD DR
PARADISE CA 95969

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HIPCHEN JEFF ETAL
PETERS JAMIE
5320 ORCHARD DR
PARADISE CA 95969

051-250-141-000
CORBETT Nanci A & SAMUEL
19430 HEATHER DEE CT
GRASSVALLEY CA 95945

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WARE WILLIAM B & JULIE E
815 POMONA AVE APT A8
CHICO CA 95928

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HARDIN MARY HELEN
19815 95TH AVE NE
BOTHELL WA 98011

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POMPA FAMILY TRUST ETAL
C/O POMPA NATIVIDAD JOSE TRUSTEE
1456 ELSIE CT
SANTA ROSA CA 95401

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BOWEN ROYCE E TRUST
C/O BOWEN ROYCE E TRUSTEE
2801 COHASSET RD APT 146
CHICO CA 95973

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FEHLMAN REV I V TRUST
C/O FEHLMAN F SUE TRUSTEE
1185 BLEWETT AVE
SAN JOSE CA 95125

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DURHAM CA 95938

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PO BOX 1662
PARADISE CA 95967

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PARADISE CA 95967

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C/O KOPSA RODNEY R TRUSTEE
1765 SPARKS DR
PARADISE CA 95969

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PETERSON FAMILY TRUST
C/O PETERSON CARL H & MARY T
3793 NEAL ROAD
PARADISE CA 95969

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KONRAD FRANK & Z ROSA JT
12957 HOMERIDGE LN
CHINO HILLS CA 91709

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KONRAD FRANK ETAL
HYPES THERESIA
12957 HOMERIDGE LN
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055-030-023-000
KONRAD FRANK & ROSA TRUST
C/O KONRAD FRANK & ROSA TRUSTEES
12957 HOMERIDGE LN
CHINO HILLS CA 91709

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NICK HERRERA
18 TUSCAN DR
PARADISE CA 95969

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TRUST C/O NONNEMAN TOM E & PATRICIA
A TRUSTEES
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MURPHY MARGARET
11886 LAKE WILDWOOD DR
PENN VALLEY CA 95946

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C/O LEONARD OSCAR I & IDA D TRUSTEES
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CHICO CA 95973

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MICHAEL TRUSTEES
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HEALDSBURG CA 95448

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CHICO CA 95926

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CHICO CA 95973

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KASZA ELIZABETH J & BUSTAMANTE
RUDY N
146 JAY BIRD LN
PARADISE CA 95969

055-540-034-000

CAMUSI WILLIAM PAUL III
PO BOX 3199
CHICO CA 95927

055-540-099-000

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C/O FRANK NICHOLS
3408 WHITE OAK DRIVE
COTTONWOOD CA 96022

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MOORE STEVEN & JEANINE
6265 PINE NEEDLE LN
PLACERVILLE CA 95667

051-230-010-000

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C/O BRIGGS JERIMIAH A & DEBORAH M
TRUSTEES
1975 BRUCE RD #142
CHICO CA 95928
051-240-026-000
GREENWELL LAURIE L
854 COIT TOWER WAY
CHICO CA 95928

051-260-020-000

HOLLAND LARRY & MICHELE
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CHICO CA 95927

055-540-036-000

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1836 BROADWAY ST
CHICO CA 95928

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MILEY GREGG E
22049 HATCHER DR
COTTONWOOD CA 96022

051-230-012-000

BOCKUS TRINITY
11 B WILLIAMSBURG LN
CHICO CA 95926

055-030-056-000

BUSTAMANTE RUDY & KASZA
ELIZABETH
441 SUNBURST DR
PARADISE CA 95969

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C/O LEDFORD ALRED L & ELVINA TRUSTEES
1836 BROADWAY ST
CHICO CA 95928

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C/O HOWARD RICHARD B & JOHNSON
SHARON F CO-TRS
1891 BOARDWALK DR
MARYSVILLE CA 95901
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OROVILLE CA 95966

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CHICO CA 95973

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LOVE BENJAMIN S & KIMBERLY D
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CHICO CA 95926

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MARIPOSA CA 95338

051-230-009-000

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3562 LONG DR
MINDEN NV 89423

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BEAN ROBERT LOUIS
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SACRAMENTO CA 95835

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EQUITY TRUST COMPANY CUSTODIAN
FBO JERRY M RYCHTER
1030 HOLBEN AVE
CHICO CA 95926

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701 E LASSEN SPC 232
CHICO CA 95973

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C/O BOUDRO-BAKER DONNA ANN TRUSTEE
791 COUNTY RD F
WILLOWS CA 95988

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SMITH WILLIAM
11 PREMIER CT
CHICO CA 95928

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AIREHART BRIAN & RACHELLE
4709 SKYWAY
PARADISE CA 95969

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PERIAT VIRGINIA J
2770 SIERRA LADERA LN
CHICO CA 95928

051-250-140-000
BROWN REVOCABLE TRUST
C/O BROWN DAVID W & MARY ALICE
1320 BUTTE AVE
OROVILLE CA 95965

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HARRIS MICHELE Z LIVING TRUST
C/O HARRIS MICHELE Z & BRATTHAUER
LISA TRUSTEES
198 CALLAHAN LN
WINDSOR CA 95492

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CRONISTER JOHN D
4615 SKYWAY
PARADISE CA 95969

051-230-021-000
ORTIZ JOHN CHARLES
3006 TOP HAND CT
CHICO CA 95973

051-230-024-000
HEARD WALTER ARTIS
430 OAKVALE AVE
OROVILLE CA 95966

051-230-027-000
THOMAS GARY D
P O BOX 7884
CHICO CA 95927

051-230-031-000
CORRON MARGARET K
2586 E 20TH ST
CHICO CA 95928

051-230-050-000
BEAN ROBERT L
10 A WILLIAMSBURG
CHICO CA 95926

051-230-060-000
YODER DEBORAH ANN
C/O HONEYMAN MAYA
38 REGAL WAY
OROVILLE CA 95966

051-240-028-000
COSTELLO TRUST
C/O COSTELLO JOHN & GAIL TRUSTEES
1110 ARBUTUS AVE
CHICO CA 95926

051-260-005-000
HOLNBACH FORREST W & CAROL
WINSTEAD
PO BOX 2020
PARADISE CA 95967

051-260-012-000
THOMAS AL & PATRICIA BURKE
7 HEARTWOOD CT
CHICO CA 95928

051-230-018-000
MAXEY MARC EUGENE & MARIAN
WINIFRED
725 HOLLISTER DR
WOODLAND CA 95695

051-230-022-000
GARDNER RICHARD PATRICK
3310 19TH ST #303
SAN FRANCISCO CA 94110

051-230-025-000
RICKARDS FAMILY TRUST
C/O RICKARDS JAMES S & WENDY
6013 MORGAN PL
LOOMIS CA 95650

051-230-029-000
ETCHISON KEVIN R & PATRICIA A
PO BOX 6322
CHICO CA 95926

051-230-034-000
PAYNE COLBY & BRITTANY E
235 W LASSEN AVE #2
CHICO CA 95973

051-230-052-000
BELLEFEUILLE REVOCABLE INT VIV TRUST
ETAL C/O BELLEFEUILLE PAUL & MARY
TRUSTEES
496 ENTLER AVE
CHICO CA 95928
051-240-023-000
PARKER CONNIE
2762 WHITE AVE
CHICO CA 95973

051-250-138-000
BEDSAUL KENNETH L & KAREN A
5520 JANINE WAY
CORNING CA 96021

051-260-008-000
ALLDREDGE FAMILY TRUST
C/O ALLDREDGE KATHLEEN A TRUSTEE
2327 SHENANDOAH DR
ANDERSON CA 96007

051-260-015-000
ROBISON FAMILY TRUST
C/O ROBISON DEBORA A TRUST
1518 SHERMAN AVE
CHICO CA 95926



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14314 RICHARD SPRINGS RD
CHICO CA 95973

051-260-028-000
ETTER LAWRENCE H & SHEILA F
5178 ROYAL OAKS DR
OROVILLE CA 95966

051-250-104-000
GREITZER LAURI
389 CONNORS CT STE C
CHICO CA 95926

055-020-002-000
LEE LINDA M & EARL RICHARD
PO BOX 1535
MAGALIA CA 95954

055-030-015-000
LOWE JAMES & KORISSA FAMILY TRUST
C/O LOWE JAMES E & KORISSA J
7020 COUNTY RD 15
ORLAND CA 95963

055-030-040-000
BURCKHARDT STEPHEN G &
KATHERINE E
9496 LOTT RD
DURHAM CA 95938

055-030-048-000
NYSTROM MONTE D & ROSELIE L
3555 SHADOWTREE LN
CHICO CA 95928

055-030-052-000
HAPP WILLIAM R
10205 PINGREE RD
GRASS VALLEY CA 95949

051-230-040-000
AMY FAMILY TRUST
AMY IVAN C & SANDRA J TRUSTEES
PO BOX 142
VINA CA 96092

051-260-021-000
STOKMANIS REVOCABLE INTER VIVOS
TRUST C/O STOKMANIS ERIC & KATHY
PO BOX 270895
SUSANVILLE CA 96127

051-260-018-000
MANGOLD ISAIAH & SUTHERLAND-
MANGOLD LAURA
12534 WILDER RD
RED BLUFF CA 96080

051-260-031-000
DURAN FAMILY TRUST
C/O DURAN TONYA LEE TRUSTEE
30 PORCHLIGHT CT
CHICO CA 95973

055-540-017-000
HERRERA RENALDO N & ADESSA M
12465 INTERMOUNTAIN RD
REDDING CA 96003

055-020-003-000
DIETZ DENNIS J
P O BOX 7864
CHICO CA 95927

055-030-034-000
HADDEN JENNY MAY & TRAVIS G
100 LAKE VIEW DR #98
RED BLUFF CA 96080

055-030-044-000
LEERHUBER ROBERT A REVOCABLE
TRUST ETAL
167 STONINGTON WAY
FOLSOM CA 95630

055-030-049-000
CHAVEZ JOSEPH & JENNIFER
670 CRIMSON CT
CHICO CA 95973

055-030-053-000
HAPP JAMIE L
340 MESA VERDE CT
CHICO CA 95973

051-230-054-000
ANDERSON BROTHERS CORPORATION
13636 ANDERSON BROTHERS DR
CHICO CA 95973

051-250-014-000
CORBETT SAMUEL L & NANCY A
12748 ROUGH AND READY RD
ROUGH AND READY CA 95975

051-260-019-000
MANGOLD FAMILY TRUST
C/O MANGOLD ISSAC & ELIZABETH
12534 WILDER RD
RED BLUFF CA 96080

051-250-092-000
RAINEY MARIE E TRUST ESTATE
C/O HODGES LOUISE M SUCC TRUSTEE
5786 S RUTH DR
FORT MOHAVE AZ 86426

051-260-009-000
GEE TRAVIS T
102 CORNWALL PL
CHICO CA 95973

055-020-083-000
DENOFRIO MICHAEL W & ALLISON I
PO BOX 1041
CHICO CA 95927

055-030-035-000
COCKRELL JASON WAYNE & STEPHANIE
58 COBBLESTONE DR APT A
CHICO CA 95928

055-030-045-000
ALLEMANDI FAMILY TRUST
C/O ALLEMANDI STEVEN J & JANELLE
GENGE TRUSTEES
920 CHELAN DR
SUNNYVALE CA 94087
055-030-050-000
HARTLEY REV I V TRUST
925 COIT TOWER WAY
CHICO CA 95928

055-540-019-000
PLANTS FAMILY TRUST
C/O PLANTS RONALD B & DENISE M
TRUSTEES
3474 PADRE LN
CHICO CA 95973
051-230-055-000
ANDERSON BROTHERS CORPORATION
13636 ANDERSON BROTHERS DR
CHICO CA 95973

051-230-038-000
PRICE DENNIS D & MAYRA J
5 DORSET CT
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JUNEAU AK 99803

055-030-038-000

MAGEE RICHARD & KAREN JR FAMILY
TRUST
5930 CAMINO LN APT 12
PARADISE CA 95969

051-250-103-000

MAZZOCCO BERT F
331 SPYGLASS DR
RIO VISTA CA 94571

055-030-051-000

VERMILLION LARRY D
727 PEBBLE CREEK ST
SUTHERLIN OR 97479

051-260-046-000

BOLIN JOSIAH
6475 DANIKA CT
PARADISE CA 95969

055-020-022-000

TURNBOW THOMAS L
14799 EAGLERIDGE DR
FOREST RANCH CA 95942

051-260-007-000

PAZ LUIS C GALLEGOS & GALLEGOS
YESENIA ETAL
GALLEGOS SEBASTIAN FLORES
1290 NOTRE DAME BLVD 26
CHICO CA 95928

051-240-017-000

IORE MARY L REVOCABLE INT VIV TRUST
C/O IORE MARY L & J ELIZABETH
TRUSTEES
PO BOX 1326
GRIDLEY CA 95948

051-230-044-000

GREENE AARON & STEPHANIE
5021 RUSSELL DR
PARADISE CA 95969

051-230-049-000

BEAN ROBERT L
10 WILLIAMSBURG LN
CHICO CA 95973

EXCERPT OF PLANNING COMMISSION MINUTES – APRIL 21, 2020

4. CONTINUED PUBLIC HEARING

4a. ANDERSON BROTHERS CORP. TEMPORARY USE PERMIT (PL19-00383)

APPLICATION: Planning Commission consideration of a proposed temporary (9-10 months) “Log Storage & Processing Yard” land use facility/operation associated with the post Camp Fire restoration activities. Temporary uses include contractor’s offices, construction storage yard, temporary buildings, construction equipment and vehicle parking and services, wood storage and processing facility. Land use will include delivery of wood materials from private properties and the Private Hazard Tree Program (not to include the Government Hazard Tree Removal Program materials), onsite storage/processing and shipment of wood materials from the site. Project properties combine to encompass a 41.3-acre area zoned Community Commercial, Agricultural Residential 1-acre minimum, and Rural Residential 2/3-acre minimum located at, and adjacent to, 4716-4724 Skyway, Paradise, AP Nos. 051-240-011, 012 & 051-230-047, 054, & 055.

Community Development Director Hartman gave an overview of the Anderson application.

Deputy Clerk Smith opened the Public Hearing at 6:28 p.m.

The applicant, Dave Anderson, gave a presentation on the proposed Log Storage & Processing Yard.

Town Clerk Volenski read 2 letters that were submitted after the 3:00 p.m. deadline from Ed Birdsye and Gail Flanegin.

The following person’s comments were received after the agenda was published and were included in a separate packet:

Support: Marjama Family Partners, Don Hall, Matt Miller, Pam Hall, and Eric & Kendale Swanson.

Opposed: Dan Switzer, Dale Wagoner, Richard & Karen Magee, Steven McFarland, Carl & Mary Peterson, and Al Ledford.

The following called in with comments:

Support: Nathan Bamford, Tom Gomez, Joel Burkett, Joe Gillander, Rose Tryon, Eric Gilbertson, and Randy McLaughlin.

Opposed: Ed Birdseye, Paul Farsai, Bill Happ, and Bill Hartley.

The public hearing was closed at 7:20 p.m.

Commissioner Morris asked the applicant about a newspaper article saying the applicant expected to work with CAL OES. The applicant stated that it was a misunderstanding and the log processing yard would not be processing CAL OES debris.

Commissioner Morris also questioned the applicant on the proposed timeline and ability to get water for the site.

Commissioner Towslee asked the applicant what hours he expected to have the log processing plant running. Applicant stated the original hours of 7 days a week were proposed when he thought he would be working with the state. Those hours would be reduced since there would be no processing of state debris.

Commissioner Neumann commented the residents of Paradise had been through a lot and this log yard could add stress to an already stressed populous. Stated her main concern was the traffic flow for the facility. Stated she did not believe town staff did an adequate job analyzing the traffic situation.

Town Engineer Marc Mattox stated one of the requirements for permit issuance is for the applicant to hire a company, who specializes in traffic control, to create a traffic plan and submit it to the Town Engineer for review. That is a requirement after the permit is issued.

Commissioner Costa stated her concerns had been addressed and she has confidence in Dave Anderson.

Commissioner Clarkson commented that the site is needed in order to rebuild Paradise. Stated there are not a lot of options to process logs and did not understand Commissioner Neumann's concerns regarding the traffic.

Prior to the motion Town Attorney Dwight Moore introduced documents Executive Order B-57-18 and Paradise Town Ordinance 590, which is the ordinance that authorized the permit.

MOTION by Clarkson, seconded by Costa, to approve Anderson Brothers Corp. Temporary Use Permit (PL19-00383) application: Planning Commission consideration of a proposed temporary (9-10 months) "Log Storage & Processing Yard" land use facility/operation. Ayes of Clarkson, Costa, Morris and Towslee; Noes of Neumann.

Community Development Director Hartman announced that an appeal of the Planning Commission decision can be made within seven (7) days of the public hearing. A formal request in writing with a deposit fee of \$117.38 must be turned into the Building Resiliency Center before the end of the appeal period.



TOWN OF PARADISE

5555 Skyway
Paradise, CA 95969
(530) 872-6291

Receipt Number: 45698 Receipt Date/Time: 4/23/2020 2:36:14 PM
Permit Number: PL19-00383
Permit Type: Planning\Entitlement\NA\NA
Permit Description: TEMP USE - LOG STORAGE
Parcel Number: 051-240-011
Address: 0 SKYWAY

Payment Amount: \$117.38
Payment Status: **Paid**
Payment Method: Check \$117.38
Paid By: FARSAI
Received By: PSAMONS
Comments:

Contacts: Applicant ANDERSON BROTHERS CORP DAVID ANDERSON
PO BOX 535 530-894-5432
PARADISE, CA 95967 530-591-7474

Contacts: Primary Contact ANDERSON BROTHERS CORP DAVID ANDERSON
PO BOX 535 530-894-5432
PARADISE, CA 95967 530-591-7474

Professionals: Contractor ANDERSON BROTHERS CORP (DAVID ANDERSON)
384540 PO BOX 535 530-894-5432
PARADISE, CA 95967 530-591-7474

April 23, 2020

APR 23 2020

Susan Hartman
Community Development Director
Town of Paradise
shartman@townofparadise.com

RECEIVED

Reference: **Appeal of Planning Commission Approval of Temporary Use Permit PL19-00383, Anderson Brothers Corp to Town of Paradise City Council**

Blue Oaks Terrace Neighborhood Advisory Committee, is appealing the Town of Paradise Planning Commission approval of Temporary Use Permit PL19-00383 and the filing of a Notice of Exemption to the California Environmental Quality Act (CEQA). After considering the below, Blue Oaks Terrace Neighborhood Advisory Committee respectfully requests the Town Council repeal and overturn the Town Planning Commission decision to approve Temporary Use Permit PL19-00383 and deny the request of Anderson Brothers Corporation. The Comment Letter dated March 4, 2020 and submitted to the Town Planning Commission enclosed and incorporated into this appeal. Blue Oaks Terrace Neighborhood Advisory Committee is appealing under the Town *Municipal Code Title 17-Zoning, Article VII Appeals, Section 17.45.800, Appeal of Planning Director or Planning Commission Decisions.*

Blue Oaks Terrace Neighborhood Advisory Committee is appealing because the Planning Commission erred when reviewing the requested proposed Temporary Use Permit PL19-00383, Anderson Brothers, Corporation to establish a temporary log storage and processing yard within the Town of Paradise by failing to make the mandated findings prior to approval which include: Exceedance of Town Limit of five (5) Temporary Log Storage Yard Locations; Findings to Support CEQA Exemptions; Information Required to Meet Substantial Evidence Requirement of Urgency Ordinance 590 as outlined in Comment Letter dated March 4, 2020.

In addition, the Temporary Use Permit was issued under the authority of an Urgency Ordinance. Urgency Ordinance No. 590 and Town *Municipal Code Chapter 8.59 – "Removal of Fire Damaged Debris from Private Property Following the Camp Fire"*, which is no longer valid and is terminated in conjunction of the emergency proclamations terminations. See Comment Letter dated March 4, 2020 for full analysis and findings regarding Urgency Ordinance validity.

The conclusion that the Temporary Use Permit is improper, and the Planning Commission has failed to carry out their administrative duty to make mandatory findings is further demonstrated by the Planning Commission records, (Staff Reports, Correspondence, Public Hearings, Meeting Minutes, and Issuance of Notice of Exemption and Permits). Similar to the above discussions, Planning Commission conclusion to approve the Temporary Use Permit is not supported by the facts in the underlying application or record. This Planning Commission approval action is also not supported by the Town's urgency ordinance which provides a clearly defined process, informational needs, analysis, and findings for issuance of a temporary use permit.

The Blue Oaks Terrace Neighborhood Advisory Committee requests the City Council review the Planning Commission Record and Findings, Blue Oaks Terrace Neighborhood Advisory Committee's Comment Letter dated March 4, 2020 (attached) and make the following findings to support the City Council's overturning of the Town Planning Commission approval for the Temporary Use Permit PL19-00383 and filing of a Notice of Exemption to the CEQA:

1. URGENCY ORDINANCE NO. 590 INVALID

- Urgency Ordinance No. 590 and Town Municipal Code Chapter 8.59 – "Removal of Fire Damaged Debris from Private Property Following the Camp Fire", is No Longer Valid and is terminated in conjunction of the emergency proclamations terminations
- Emergency Proclamation occurs only during the response phase when the facts support the declaration or proclamation and requires immediate response and action
- Town Council did not review the need for continuing the local emergency every 14 days as required by *California Government Code 8630*, to support the Urgency Ordinance 590 and continue the need for such urgency ordinance.
- Town Council declared Urgency Ordinance 590 was necessary for immediate preservation of public peace, health, and safety based on the Camp Fire Emergency and the Camp Fire Emergency is over in accordance to the definition of "Emergency" established by *California Public Resources Code, Section 201060.3*
- The circumstances that legally justified the Urgency Ordinance 590 no longer exist
- Issuance of the requested Temporary Use Permit would be an improper suspension of zoning laws, Town General Plan, regulatory statutes, orders, rules, or regulations and abuse of the Town's police powers
- The Town no longer qualifies for immunities under the *Emergency Services Act, California Government Code Section 8655*, and will be liable for discretionary actions in issuance of a Temporary Use Permit

2. TOWN CURRENTLY AT LIMIT OF FIVE (5) TEMPORARY LOG STORAGE YARD LOCATIONS

Currently Town has identified twenty-two (22) Temporary Log Storage Yards in operation on March 6, 2020 at the following locations:

- South side of 5649 Jewel Road
- Next to 5604 Jewell Road
- 771 East Oak Street
- South of Scottwood Road and Pearson Road
- 5686 Scottwood Road
- 6480 Clark Road
- South side of Easy Street and Clark Road
- 1117 Noffsinger Lane
- 5365 Clark Road
- 1617 Pearson Road
- American Way and Clark Road
- 5276 California Way
- 5501 Libby Road
- 1405 West Dottie Lane
- 5319 Libby Road
- 6480 Clark Road
- Lovely Lane and Clark Road
- 8585 Clark Road
- 7088 Clark Road
- Foothill Lumber Company off Wagstaff Road
- 6280 Pentz Road
- Northwest corner of Pentz Road and Merrill Road

3. TEMPORARY LOG STORAGE AND PROCESSING YARD PROJECT NOT EXEMPT FROM CEQA

- The proposed Temporary Use Permit does not qualify for a CEQA Exemption and is deemed a Project under the CEQA Guidelines requiring an appropriate CEQA

document to allow the Town's consideration of the requested Temporary Use Permit to allow the establishment and operations of a Temporary Log Storage and Processing Yard.

4. INFORMATION LACKING FROM PLANNING COMMISSION REQUIRED TO MEET SUBSTANTIAL EVIDENCE REQUIREMENT OF URGENT ORDINANCE 590

The following necessary data and analysis to address the number of potential impacts to public health, safety or convenience or create undue traffic hazards or congestion outlined in section B 1 of the Urgent Ordinance 590, that may be deemed significant was not provided nor adequately considered by the Town's Planning Commission:

- Health Risk Assessment
- Aesthetics – Light and Glare
- Soil Conservation Analysis
- Air Quality
- Biological Resources (Waters of the State)
- Land Use and Use Compatibility Analysis (Easements, Sound, Air, Space, and Access Easements, existing prescriptive easements or other agreements affecting private property)
- Noise Impact Analysis
- Transportation/Traffic Impact
- Solid Waste Facility Permit

The Blue Oaks Terrace Neighborhood Advisory Committee looks forward to working through this appeal with the Town Council and respectfully requests the Town Council issues a decision to overturn the Town Planning Commission approval of Temporary Use Permit PL19-00383, and the filing of a Notice of Exemption to CEQA, and make the above findings to support the denial of the Temporary Use Permit PL19-00383 request from the Anderson Brothers Corporation. If you have any questions, please advise. I can be reached at 530-342-7337.

Sincerely,



Paul Farsai,
Blue Oaks Terrace Neighborhood Advisory Committee
124 Tuscan Drive
Paradise, CA 95969
Cell: 530-342-7337
Paul@LandDevelopers.Land

Enclosure: Comment Letter – Blue Oaks Terrace Neighborhood Advisory Committee Response to Temporary Use Permit Request PL19-00383, Anderson Brothers Corporation, to Establish Temporary Log Storage and Processing Yard on Butte County Assessor's Parcel Numbers: 051-230-047, 054, 055, 051-240-011 & 012 Within the Town of Paradise, March 14, 2020

Comment Letter

BLUE OAKS TERRACE NEIGHBORHOOD ADVISORY COMMITTEE RESPONSE TO TEMPORARY USE PERMIT REQUEST PL19-00383 ANDERSON BROTHERS CORP. TO ESTABLISH TEMPORARY LOG STORAGE AND PROCESSING YARD ON BUTTE COUNTY ASSESSOR'S PARCEL NUMBERS: 051-230-047, 054, 055, 051-240-011 & 012 WITHIN THE TOWN OF PARADISE

To:	Susan Hartman, Community Development Director Town of Paradise Development Services Department 5555 Skyway Paradise, CA 95969	From:	Paul Farsai, Homeowner Blue Oaks Terrace Neighborhood Advisory Committee
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Date: March 14, 2020

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Town of Paradise Consideration to Issue a Temporary Use Permit under the Urgency Ordinance Number 590 adopted December 10, 2019, amending the Municipal Code Chapter 8.59-Removal of Fire Damaged Debris from Private Property following the Camp Fire

Thank you for the opportunity to comment on the Anderson Brothers Corporation request to establish a Temporary Log Storage and Processing Yard under the provisions of the Urgency Ordinance Number 590, amending Paradise Municipal Code Chapter 8.59-Removal of Fire Damage Debris from Private Property following the Camp Fire which sets forth administrative and review requirements for the issuance of Temporary Use Permits under the Urgency Ordinance.

The following comments are meant as guidance for the Town of Paradise in administering the Municipal Code and giving consideration to issue a Temporary Use Permit to Anderson Brothers to establish and operate a Temporary Log Storage and Processing Yard adjacent to the Blue Oaks Terrace Neighborhood, and the information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will adversely impact the public health, safety, convenience or create undue traffic hazards or result in significant environmental impacts, 4) assess whether the current information and reports submitted to the Town concerning establishment and operation of a Temporary Log Storage and Processing Yard fully discloses the impacts of the proposed project and effects on surrounding residential neighborhoods (Blue Oaks Terrace), 5) assess the need for conditions to be applied to the Temporary Use Permit if approved and issued to reduce impacts to a level that it comports with Municipal Code Chapter 8.59, if necessary. The following paragraphs are organized by findings the Neighborhood Advisory Committee identified and comments on the adequacy of information

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

presented to support approval of the requested Temporary Use Permit to meet the data requirements and the analysis to support the Town's decision regarding the Temporary Use Permit and subsequent establishment and operation of a Temporary Log Storage and Processing Yard. Blue Oaks Terrace Neighborhood Advisory Committee would request the Town consider the following findings for justification to deny the requested Temporary Use Permit. Or if the Town wishes to approve the requested Temporary Use Permit, we request the following data and analysis prior to the Town approving the issuance of the requested Temporary Use Permit.

MUNICIPAL CODE CHAPTER 8.59 / URGENCY ORDINANCE 569 - NO LONGER VALID

The requested Temporary Use Permit by Anderson Brothers Corporation is based on the authority granted to the Town Manager or his/her designee to issue Temporary Use Permits under the Urgency Ordinance Number 590 adopted in December of 2019 and amending the Town's Municipal Code Chapter 8.59-Removal of Fire Damaged Debris from Private Property Following the Camp Fire. The Urgency Ordinance 590 declared the following findings in justifying the urgency of the ordinance, and the ability of the Town to expand the available immunities from liability for response-related activities and suspend the law which would normally control land uses such as the Town's Zoning Code, General Plan Policies required by California Government Code, etc....

- Ordinance necessary for immediate preservation of the public peace, health, and safety
- Conditions of extreme peril to the safety of persons and property within the town were caused by the Camp Fire, commencing on the eighth day of November 2018
- California Government Code Section 8630 et seq. empowers the director of emergency services to proclaim the existence of a local emergency when the town is affected or likely to be affected by a public calamity, subject to ratification by the town council at the earliest practicable time
- The ordinance goes on to declare over ten citations of clauses reciting the circumstances that legally justify the emergency proclamation and the Urgency Ordinance 590.

The Urgency Ordinance 590 invokes *California Government Code 8630 et. seq* as the state enabling legislation that grants the Town authority to adopt Urgency Ordinance 590. This same Government Code also sets forth the obligation of the Town regarding administration of local emergency to renew the emergency proclamation under which the Urgency Ordinance 590 is created. As stated in the *Emergency Services Act, Article 14, Section 8630 of the California Government Code* (Proclamation by local governing body; Duration; Review):

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

"(a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.

(b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the governing body.

(c) (1) The governing body shall review, at its regularly scheduled meetings until the local emergency is terminated, the need for continuing the local emergency. However, in no event shall a review take place more than 21 days after the previous review. (2) Notwithstanding paragraph 1, if the governing body meets weekly, it shall review the need for continuing the local emergency at least every fourteen (14) days, until the Local Emergency is terminated.

(d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant."

In accordance to the above instructions and administrative requirements of the Town regarding emergency proclamations and on-going validating of urgency ordinances is predicated upon the Town Council reviewing and declaring the local emergency is continuing every 14 days. The Town Council has not reviewed the current conditions and made the necessary findings that the Town conditions are the same and thus require the need for continuing the local emergency status. Thus, based on California Government Code the Urgency Ordinance 590 being used to issue the Temporary Use Permit is no longer valid and the declared local emergency is terminated by statute.

To further support that the Emergency Proclamation is no longer in effect and valid due to the lack of circumstances that constitute an emergency by definition of "Emergency" made in the *California Public Resources Code, Division 13. Environmental Quality, Chapter 2.5 Definitions, Section 201060.3* which states:

"Emergency means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage."

This definition "limits an emergency to an occurrence" not a condition, and the occurrence must involve a clear and imminent danger, demanding immediate action. An occurrence is something that occurs, happens, or takes place, an event or incident like the Camp Fire. A condition is a

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

mode or state of being. A state of being may consist of many occurrences. For example, burnt trees is the condition of a live tree being burned by fire, such as in the occurrence of the Camp Fire. The condition of burnt trees after a wildfire is an expected outcome and does not constitute an emergency occurrence, but rather a predictable and manageable condition.

Thousands of acres of burnt pine trees are left behind by wildfires in California, yet the state has never declared the cutting down burnt trees, grinding, and processing to wood chips an emergency occurrence that requires immediate action under an Emergency Proclamation/Urgency Ordinance. Based on the length of time between November 8, 2018 (Camp Fire) and March 17, 2020, (Public Hearing for Temporary Use Permit) a period of sixteen (16) months to request and act on a Temporary Use Permit to establish and operate a temporary log storage and processing yard, does not lend itself to immediate need resulting in an emergency action required under an urgency ordinance adopted pursuant to Local and State Government Emergency Proclamations. There is no forest management practice protocol nor urban forest management protocol that calls for the immediate action of cutting down and chipping burnt trees after a wildfire, and no known statistics of hazards risks to the public from falling burnt trees that rise to the magnitude that would compel an emergency immediate action of approving a temporary log storage and processing yard sixteen (16) months after the emergency occurrence.

California Government Code Section 8630 (d) "The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant." The Town is compelled to terminate the local emergency as soon as practicable. It has been over sixteen (16) months since the Camp Fire and the Town is well on its way to recovery with public utilities back up, building permits issued and new home construction under way. The Presidential Emergency Proclamation for the Camp Fire has been terminated in accordance to 50 U.S. Code Section 1622. National Emergencies. (d) Automatic Termination of National Emergency, Continuation Notice from President to Congress; Publication in Federal Register. At the August 8, 2019, Town of Paradise Recovery Report Card Meeting, Tina Walker, Cal OES Acting Assistant Director for Recovery, announced that physical debris removal is 75% complete and should be completed by the end of September 2019. She also noted that the Camp Fire recovery process is moving along at a much quicker rate than other similar incidents in Australia and Texas. Tina Walker also stated that plans are being implemented to "*stand up a tree removal program to move forward with getting those hazardous trees off your properties.*" Based on the above factors it is clear the emergency is over, and the current conditions warrant emergency termination.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town make the following Findings and Deny the Request for a Temporary Use Permit based on the following:

- Urgency Ordinance No. 590 and Town Municipal Code Chapter 8.59 – “Removal of Fire Damaged Debris from Private Property Following the Camp Fire”, is No Longer Valid and is terminated in conjunction of the emergency proclamations terminations
- Emergency Proclamation occurs only during the response phase when the facts support the declaration or proclamation and requires immediate response and action
- Town Council did not review the need for continuing the local emergency every 14 days as required by *California Government Code 8630*, to support the Urgency Ordinance 590 and continue the need for such urgency ordinance.
- Town Council declared Urgency Ordinance 590 was necessary for immediate preservation of public peace, health, and safety based on the Camp Fire Emergency and the Camp Fire Emergency is over in accordance to the definition of “Emergency” established by *California Public Resources Code, Section 201060.3*
- The circumstances that legally justified the Urgency Ordinance 590 no longer exist
- Issuance of the requested Temporary Use Permit would be an improper suspension of zoning laws, Town General Plan, regulatory statutes, orders, rules, or regulations and abuse of the Town’s police powers
- The Town no longer qualifies for immunities under the *Emergency Services Act, California Government Code Section 8655*, and will be liable for discretionary actions in issuance of a Temporary Use Permit

Should the Town still find the Urgency Ordinance 590 Valid and not Concur with the Blue Oaks Terrace Neighborhood Advisory Committee, Please Consider the Following:

TOWN LIMITED TO FIVE (5) TEMPORARY LOG STORAGE YARD LOCATIONS

The Urgency Ordinance 590 limits the number of temporary log storage yards to a maximum of five (5) yards within the incorporated area of the Town of Paradise (*Town Municipal Code, Chapter 8.59.080 Temporary log storage yards, (A) Maximum Number of Sites. The number of temporary log storage yards shall be capped at a maximum of five for the incorporated area of the Town of Paradise*). Based on a preliminary Windshield survey of major roads within the

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Town of Paradise the Blue Oaks Terrace Neighborhood Advisory Committee identified twenty-two (22) Temporary Log Storage Yards in operation on March 6, 2020 at the following locations:

- South side of 5649 Jewel Road
- Next to 5604 Jewell Road
- 771 East Oak Street
- South of Scottwood Road and Pearson Road
- 5686 Scottwood Road
- 6480 Clark Road
- South side of Easy Street and Clark Road
- 1117 Noffsinger Lane
- 5365 Clark Road
- 1617 Pearson Road
- American Way and Clark Road
- 5276 California Way
- 5501 Libby Road
- 1405 West Dottie Lane
- 5319 Libby Road
- 6480 Clark Road
- Lovely Lane and Clark Road
- 8585 Clark Road
- 7088 Clark Road
- Foothill Lumber Company off Wagstaff Road

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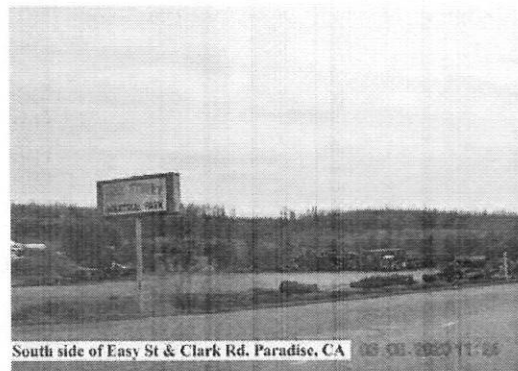
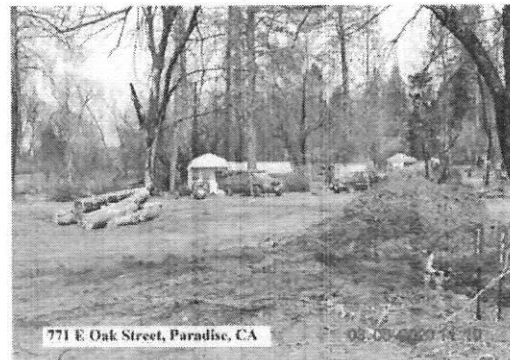
Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- 6280 Pentz Road
- Northwest corner of Pentz Road and Merrill Road

See following Photo Log of existing Log Storage Yards located in the Town of Paradise.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

TOWN OF PARADISE TEMPORARY LOG STORAGE YARDS PHOTO LOG



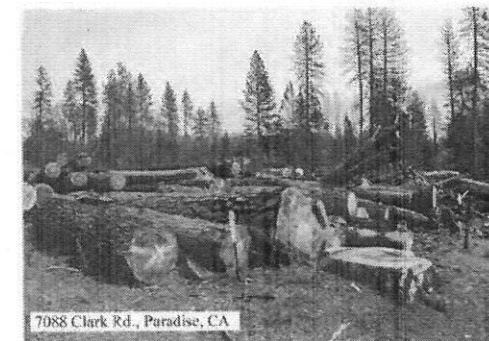
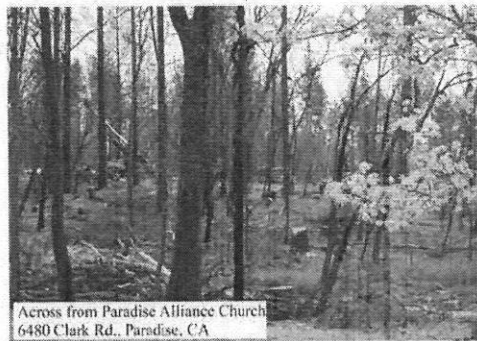
Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

TOWN OF PARADISE TEMPORARY LOG STORAGE YARDS PHOTO LOG



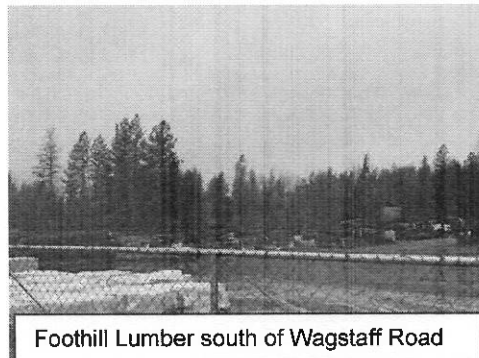
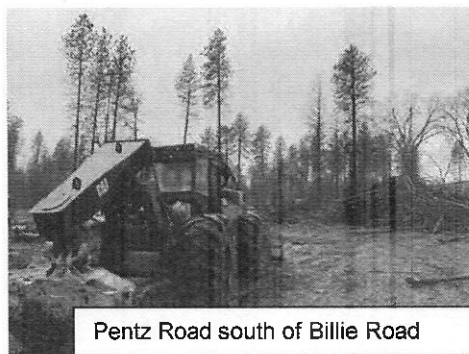
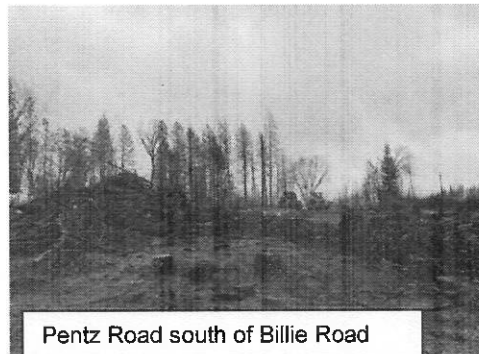
Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

TOWN OF PARADISE TEMPORARY LOG STORAGE YARDS PHOTO LOG



Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

TOWN OF PARADISE TEMPORARY LOG STORAGE YARDS PHOTO LOG



By the Urgency Ordinance 590 directive, the Town is responsible to ensure only five (5) Temporary Log Storage Yards are in operation within the incorporated town limits. Due to the fact that the Town already has over twenty-two (22) or more operating Temporary Log Storage Yards, the Anderson Brothers Corporation request for a Temporary Use Permit to establish and operate another Temporary Log Storage and Processing Yard is prohibitive.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town make the following Findings and Deny the Request for a Temporary Use Permit based on the following:

- No new Temporary Use Permit for a Temporary Log Storage Yard is permissible under the Urgency Ordinance 590, until such time the Town has less than five (5) Temporary Log Storage Yards

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- Based on Windshield Surveys of the Town of Paradise, and evidence presented by the Blue Oaks Terrace Neighborhood Advisory Committee the Town cannot verify current compliance of only five Temporary Log Storage Yards operating within the incorporated limits of the Town as stipulated by the Urgency Ordinance 590.
- Until such time the Town's Zoning Code Enforcement can shut down illegal Temporary Log Storage Yards and verify and validate the existence of only four (4) legal operating Temporary Log Storage Yards no fifth permit can be issued.
- Anderson Brothers Corporation request for a Temporary Use Permit to establish and operate a Temporary Log Storage Yard is denied due to issuance of such requested permit will exceed the maximum number of five (5) Temporary Log Storage Yards allowed within the Town limits.

TEMPORARY LOG STORAGE AND PROCESSING YARD PROJECT NOT EXEMPT FROM CEQA

The Urgency Ordinance 590 declares the ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA). *(Town Municipal Code, Chapter 8.59.130 CEQA exemption. Adoption of this chapter is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code.*

California Public Resources Code Exemptions from CEQA

California Public Resources Code Section 21080(b)(3) states "Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code."

California Public Resources Code Section 21080(b)(4) states "Specific actions necessary to prevent or mitigate an emergency."

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Findings Pursuant PRC 21080 (b) (3) and (4)

The proposed discretionary action of approving and issuance of a Temporary Use Permit under the Urgency Ordinance 590 does not qualify nor meet the requirements of *California Public Resources Code Section 21080(b)(3)*. The Anderson Brothers Corporation Temporary Log Storage and Processing Yard is not proposed to “maintain”, “repair”, “restore”, “demolish”, or “replace” property or facility damaged or destroyed as a result of disaster. The Log Storage and Processing Yard did not exist prior to the Camp Fire. The proposed project is a new land use and activity that did not exist prior to the Camp Fire, thus it cannot be maintained, repaired, restored, or replaced, making this new Log Storage and Processing Yard subject to CEQA.

The Urgency Ordinance 590 also sites subsection (4) *Specific actions necessary to prevent or mitigate an emergency*, as another reason for exemption from CEQA. Again, as previous stated earlier in this Comment Letter this project does not meet the definition of “Emergency”. An “Emergency” is defined by the *California Public Resources Code, Division 13. Environmental Quality, Chapter 2.5 Definitions, Section 201060.3* which states:

“Emergency means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. “Emergency” includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.”

This definition “limits an emergency to an occurrence” not a condition, and the occurrence must involve a clear and imminent danger, demanding immediate action. An occurrence is something that occurs, happens, or takes place, an event or incident like the Camp Fire. A condition is a mode or state of being. Moving burnt logs and storing them to process them into wood chips is not an “emergency occurrence” but rather is a condition and a process to manage the condition of burnt logs as a result of the Camp Fire emergency occurrence. The activity of running a Temporary Log Storage Yard neither prevents nor mitigates a future wildfire occurrence in Paradise, but rather is a commercial activity designed to profit those who engage in such activity. The primary purpose of the Log Storage Yard is “Profit” to the Anderson Brothers Corporation and shows no linkage/connection to mitigating nor preventing a future wildfire “emergency” occurrence.

15269. Emergency Projects – Statutory Exemption to CEQA

The Urgency Ordinance 590 also utilizes the *California Code of Regulations, Title 14 Natural Resources, Division 6 Resources Agency, Chapter 3 Guidelines for Implementation of the California Environmental Quality Act (CEQA), Article 18 Statutory Exemptions, Section 15269 (a)*

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

The following emergency projects are exempt from the requirements of CEQA.

(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.

Findings Pursuant to Section 15269 (a).

The proposed project involves the establishment and operation of a new Temporary Log Storage and Processing Yard for the purpose of generating profit by processing burnt logs to wood chips. Wood chips will be sold as a commodity to the biomass solid fuel market, or the raw material market for producing wood pulp, or for organic mulch in gardening, landscaping, restoration ecology, bioreactors for denitrification and as a substrate for mushroom cultivation. The proposed project does not involve any of the factors called out in the Statutory Exemption 15269 (a) as discussed previously. Statutory Exemption 15269, Emergency Projects, was intended for projects that are required to replace/restore/repair/maintain property or facilities that existed prior to the emergency occurrence, not new development and commercial activity proposals such as that being requested by the Anderson Brothers Corporation to establish and operate a Wood Chip Operation.

In no way does the Anderson Brothers Corporation Project have a public interest component required for this Emergency Exemption to CEQA. The project does not protect the health, safety, and welfare of those within the surrounding area of the project or serve any benefit to the surrounding residents or public in the Town of Paradise, it is simple a private commercial endeavor designed to profit the Anderson Brothers Corporation. The project does not repair any property or facility which has public interest or is needed to protect the health and welfare of Paradise residents. Because the proposed project clearly is not an emergency project and is not proposed to fill an immediate need to protect the health and welfare of the local population, the project will result in a "discretionary action," of the Town of Paradise which requires full CEQA documentation and disclosure. Because the proposed project cannot meet the definition of an "emergency" project as defined by the *California Public Resources Code*, it does not meet the test nor qualify as an emergency project to protect the public health, safety, and welfare, and does not qualify for statutory exemption from CEQA, pursuant to Section 15269, claimed in the Urgency Ordinance 590.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town make the following Findings and Deem the Temporary Use Permit Application Incomplete and Notify the Applicant, Anderson Brothers Corporation the need for an Appropriate CEQA document be prepared (MND, IS/MND, or EIR) based on the following:

- The proposed Temporary Use Permit does not qualify for a CEQA Exemption and is deemed a Project under the CEQA Guidelines requiring an appropriate CEQA document to allow the Town's consideration of the requested Temporary Use Permit to allow the establishment and operations of a Temporary Log Storage and Processing Yard.

INFORMATION REQUIRED TO MEET SUBSTANTIAL EVIDENCE REQUIREMENT OF URGENT ORDINANCE 590

Under the Urgency Ordinance 590/Town Municipal Code 8.59.070 – *Temporary uses associated with removal of fire damaged debris*; it states the following:

"B. The director or his/her designee may authorize such temporary storage use based on substantial evidence that:

- 1. The temporary storage use shall not adversely impact the public health, safety, or convenience or create undue traffic hazards or congestion.*
- 2. The temporary storage use shall not adversely interfere with the permitted use of other land uses and activities on the site or in the general vicinity.*
- 3. The temporary storage use shall be conducted in a manner compatible with the land uses in the general vicinity.*

C. The director may establish such additional conditions as necessary to ensure land use compatibility and to minimize potential negative impacts, including but not limited to hours and frequency of operation, temporary arrangements for parking and circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following the temporary storage use."

The following suggested scope of work is recommended by the Blue Oaks Terrace Neighborhood Advisory Committee to prepare necessary data and analysis that will address the number of potential impacts to public health, safety or convenience or create undue traffic hazards or congestion outlined above in section B 1 of the Urgency Ordinance 590, that may be

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

deemed significant. The following paragraphs are organized by topic area for data adequacy and analysis requests required to meet the data and the analysis to support the Town's required review and findings of no harm documentation for the proposed project. The Blue Oaks Terrace Neighborhood Advisory Committee would request the following analysis to provide the Advisory Committee with the necessary information to ensure the project is compatible with the Blue Oaks Terrace neighborhood and achieves the environmental performance expectations adopted by the Town of Paradise and Butte County, and complies with the above provisions of the Urgency Ordinance 590:

Health Risk Assessment

The Urgency Ordinance 590 requires the Town make the finding that the proposed Temporary Log Storage and Processing Yard will not adversely impact public health. To date the applicant Anderson Brothers Corporation, nor the Town have evaluated health risks associated with the proposed project nor prepared a Health Risk Assessment of the proposed project to allow a determination of health risks caused by the proposed activities of processing burnt and charred wood at the project site.

The residents of the Blue Oaks Terrace Neighborhood will experience immediate exposure to burnt timber, and the ash and char that accompany the fire-damaged wood. Ash and char from forest fires can be complex mixtures that will vary depending on the temperature of the fire and will need evaluation prior to approval of the Temporary Use Permit. Char is composed of a variety of carbon-based compounds, which are formed at lower fire temperatures, some of which may be carcinogenic. As char is only partially combusted wood, char dust will remain combustible. Higher-temperature fires will also result in wood ash (calcium carbonate), which is no longer combustible but is a lung irritant. The Camp Fire was reported as an extremely high-temperature fire so it is assumed residents will be exposed to wood ash.

Char dust and wood ash are both much finer than wood dust and will be easily breathable and transport longer distances impacting nearby residents; long-term, repeated exposures at high concentrations have the potential to cause respiratory illness. Short-term health effects from exposure to wood char and ash can include eye, nose, and throat irritation, coughing, and allergic reactions. In the long term, exposure may lead to more serious health issues, including lung diseases such as chronic obstructive pulmonary disease (COPD) in accordance to Cal OSHA.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

As with any kind of respiratory hazard, associated with a proposed project the Town must evaluate the exposure and minimize it with appropriate control measures as conditions to the Temporary Use Permit during the review and approval process. Conditions of Approval for the Temporary Use Permit cannot be devised until such time a Health Risk Assessment Report is prepared and data analyzed to recommend effective conditions and allow the Town to make the findings that such conditions will protect the health of nearby residents and workers at the project site.

Processing of burnt and charred wood and the particulate matter that gets suspended in the air which can travel great distances have been documented as a major source of lung irritant. Wood dust associated with chipping operations has been documented by Cal OSHA to be associated with health issues due to natural chemicals in the wood.

Requested Town Action and Findings

Exposure to wood dust has been associated with health issues due to the natural chemicals in the wood, or substances in the wood such as bacteria, molds, or fungi, which a Health Risk Assessment will document. Wood dust is also associated with toxic effects, irritation of the eyes, nose and throat, dermatitis, and respiratory system effects which include decreased lung capacity and allergic reactions. Exposure to wood dust may irritate the eyes, nose, and throat. Nearby residents and project site workers may also experience shortness of breath, dryness and sore throat, conjunctivitis (inflammation of the mucous membranes of the eye), and rhinitis (runny nose).

Respiratory system effects include decreased lung capacity, and allergic reactions in the lungs such as hypersensitivity pneumonitis (inflammation of the walls of the air sacs and small airways), and occupational asthma. Hypersensitivity pneumonitis may develop within hours or days following exposure and is often confused with cold or flu symptoms because it begins with headache, chills, sweating, nausea, breathlessness, etc. Tightness of the chest and breathlessness can be severe, and the condition can worsen with continued exposure. Some hypersensitivity pneumonitis conditions may be caused by molds that grow on the wood (and by not the wood itself). Many of the pines found in Paradise are known wood varieties that have a clear association with the development of asthma.

Based on the distance to the nearest location of sensitive receptors (existing residences immediately adjacent to the project site) and the project size, potential health risks and hazards to nearby offsite receptors during project construction (from diesel construction equipment) and operations (char dust and wood ash) a Health Risk Assessment should be prepared that will qualitatively address the health risk issues associated with the proposed Temporary Log Storage and Processing Yard.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

The requested Health Risk Assessment should provide technology overview and the timber industry design standards adopted to reduce hazards and risk of upset to an acceptable level. A review of the adequacy of the fire safety and suppression systems should also be documented in the requested Health Risk Assessment. The Town should prepare a public health screening level risk assessment. This screening level assessment characterize the public health effects of the operations and in the event of an upset such as fire. To determine the worst-case public health impacts for this analysis the Town should assume that the log storage and processing yard fire suppression system would activate but not control the fire outbreak. The primary pollutants released due to an upset scenario at the log storage yard would be CO₂ and CO along with lesser amounts of other compounds, including the chemicals released by the fire.

The analysis of toxic air contaminants should be conducted and based on significance criteria prioritization method developed by the California Air Pollution Control Officers Association (CAPCOA) in consultation with the California Air Resources Board (ARB) and Office of Environmental Health Hazard Assessment (OEHHA) as part of the implementation of the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Air Toxics "Hot Spot" Act, Health and Safety Code §44344.4(c)). The significance criteria used by the prioritization method is based on a Total Score (TS) for chronic and acute impacts. The thresholds are based on the application of several conservative air dispersion modeling scenarios coupled with air pollutant toxicities as reported by OEHHA and the EPA.

The assessment for the proposed project should be based on readily available documentation and plans, as well as telephone interviews with agency representatives. The Town should work with Anderson Brothers Corporation to provide information regarding all hazardous materials that will be used and stored on-site (including burnt log char and ash dust), as well as information on proposed hazardous material storage and handling systems. Toxicity information for each hazardous material should be obtained from publicly available databases in conjunction with the public health analysis. The evaluation of the potential for and human health effects of accidental releases of hazardous materials will take into consideration the guidelines for technical management of chemical process safety, use of dispersion models, and other information available from the American Institute of Chemical Engineers (AIChE) Chemical Center for Process Safety (CCPS). Also, technical guidance for hazard analysis by the US Environmental Protection Agency will be used as applicable.

To perform the assessment identified above, the Town should obtain relevant data from land use maps, the Town General Plan. Data collection efforts should focus on the identification of sensitive receptors (medical clinic, hotel, schools, public buildings, parks, walking trails, residences, and day care facilities) located within a three-mile radius of the proposed project. A drive-by survey should be conducted for the land use analysis to generally confirm the land use data obtained from other sources is accurate and validated. Data from all these sources, plus

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

information gathered for the hazardous materials handling and air quality analysis, should be incorporated in the public health risk assessment of the proposed project.

Physical and chemical characteristics of the air pollutants associated with the proposed log storage and processing yard should be obtained from the scientific literature. Information on a pollutant's carcinogenic potency should be collected from the appropriate regulatory agencies (e.g., CAPCOA, US Environmental Protection Agency, OEHHA) and the scientific literature, including publicly available databases, such as the Integrated Risk Information System (IRIS) or Hazardous Substances Database (HSDB). In addition, acute, sub chronic, and chronic toxicity information should be obtained for each of the air pollutants from both regulatory agencies (CAPCOA, US Environmental Protection Agency, OEHHA) and the scientific literature.

Sources of information to be researched and incorporated into the health risk assessment should include a current Phase I Environmental Site Assessment, and background data related to the Town's General Plan. These resources will be used to determine areas of potential contamination on the project site or surrounding property, if any which could impact residences should the proposed Temporary Use Permit be approved.

The potential for these materials to be released to the environment must be evaluated, documented and findings made concerning the public health and safety of Paradise residents. The significance of potential impacts must be determined, and conditions of permit approval recommended to minimize potential adverse impacts, in compliance with the Urgency Ordinance 590. For purposes of the requested health risk assessment and analysis, it should be assumed that the handling of hazardous substances associated with burnt logs would occur in accordance with applicable federal, state, and local regulations.

Aesthetics – Light and Glare

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town evaluate the proposed project's aesthetics, light, and glare impacts on surrounding areas. Project aesthetic impacts should be evaluated through a reconnaissance-level survey of the project site and surrounding areas that includes the use of photographs to document existing conditions. Future conditions should be documented with architectural elevations, renderings, and plans provided by Anderson Brothers Corporation showing the log stacks, equipment, and processing area if available, visual simulations or other computer-generated images of the proposed project. In addition, the proposed project's aesthetics characteristics should be assessed in relation to General Plan policies, Zoning Ordinance requirements, and the Town's design standards for commercial / industrial operations and the covenants conditions, and restrictions (CCRs) associated with surrounding parcels regarding architectural and building standards to ensure

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

compatibility with the surrounding neighborhood and developments. Since the proposed project area is currently undeveloped and consists of woodlands, pasture lands, and wetlands for the most part, lighting of the night sky may be an issue of concern for current residents. Conditions of approval for the Temporary Use Permit should be recommended, if necessary, to reduce any significant impacts of light and glare.

The Blue Oaks Terrace Neighborhood Advisory Committee would like to request the Town to work with the Advisory Committee identifying key observations points (KOPs) of the project from Blue Oaks Terrace and determine the sensitivity of the viewers from these KOPs to provide supporting record for their conclusion. To assess the projects potential impacts on visual resources the view areas most sensitive to the project's potential visual impacts must be identified. KOP's are usually along commonly traveled routes or at other likely observation points (residential homes, users of the walking trails). Factors that should be considered in selection of key observation points are angle of observation, number of viewers, and length of time the project is in view, relative project size, season of use, light conditions, and distance from the project. KOP's should also be discussed regarding potential mitigation measures and how KOP's geography will affect the ability to mitigate to a less than significant level.

The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town make an analysis of the visual impacts based on evaluation of the "after" views provided by a computer-generated visual simulation, and their comparison to the existing visual environment. In making a determination of the extent and implications of the visual changes, consideration should be given to:

- The changes in the affected visual environment's composition, character, and any specially valued qualities
- The affected visual environment's context
- The extent to which the affected environment contains places or features that have been designated in plans and policies for protection or special consideration
- The numbers of viewers, their activities, and the extent to which these activities are related to the aesthetic qualities affected by the likely changes

The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town apply the basic principles of design in the resolution of visual impacts concerning the proposed Temporary Log Storage and Processing Yard Project. The basic philosophy underlying visual quality of a landscape depends on the visual contrast created between a project and the existing landscape. The contrast should be measured by comparing the project features with the major features in the existing landscape. The basic design elements of form, line, color, and texture should be

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

used to make this comparison and to describe the visual contrast created by the project. The assessment process recommended by the Blue Oaks Terrace Neighborhood Advisory Committee provides a means for determining visual impacts and for identifying measures to mitigate these impacts and meets the “substantial evidence” rule of subdivision (e) Section 21080 of the Public Resources Code and the intent of the Urgency Ordinance 590 to ensure any approved Temporary Log Storage Yard is compatible to surrounding land uses and does not impact “convenience” of surrounding properties.

Soil Conservation Analysis

The proposed project site has been stripped of vegetation and graded in preparation for establishing and operating a Temporary Log Storage Yard. In addition, the use of the property as a Temporary Log Storage Yard will compact the soil. The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town prepare a soil conservation analyses and focus on the removal of vegetation, disturbance of the soil, and attendant wind and/or water-caused erosion. Blue Oaks Terrace Neighborhood Advisory Committee understands the compaction of the soils on the proposed project site by the operations of the Temporary Log Storage Yard could substantial increase flooding, erosion, or siltation which must be considered and addressed in making the decision to approve the Temporary Use Permit.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town analyses also address the agronomic, ecologic, and economic impacts to soil through water and wind erosion. The Town should also document the existing and base physical and chemical characteristics of the project site and vicinity soils readily available including topography, parent material, depth, horizons, structure, texture, color, pH, bulk density, organic matter, drainage and permeability characteristics, land use, and vegetation cover to establish the base for restoration standards upon termination of the Temporary Log Storage Yard. The Advisory Committee requests the Town Identify proposed conditions for the Temporary Use Permit with effectiveness measurements of each condition with discussion of avoidance of sensitive areas, timing of construction activities, minimizing removal of vegetation, soil stabilization, revegetation, runoff retention, drainage diversions, sediment types, soil amendments, orientation to prevailing wind, windbreaks, dust control for the Advisory Committee’s review and comment. The Advisory Committee also requests the Town establish a monitoring and compliance verification measures to ensure that the objectives are met, and all conditions of the Temporary Use Permit are complied with.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Air Quality

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee request the Town make the activation of the Temporary Use Permit predicated upon the issuance of air quality permits by the Butte County Air Pollution Control District. Blue Oaks Terrace Neighborhood Advisory Committee requests the Town address air quality issues which include the potential impacts from the construction and vehicle emissions generated by the proposed project and the cumulative impacts from other air emission sources nearby. The Town should compare these impacts to the national and state ambient air quality standards with special emphasis on sensitive populations (e.g., school, motel/hotel, nursing homes, residences, medical centers) in the impact area. The Town should also assess if the proposed project complies with applicable air quality emission regulations and the goal of the Town's General Plan regarding reduction in adverse air quality emissions for the project. The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town's approach to evaluating the proposed projects effect on public health and safety in accordance to the Urgency Ordinance 590 should include the following documentation and analysis:

- Emissions from the various project elements would be subject to the rules and regulations of the Butte County Air Pollution Control District depending upon the type of emissions activities and development components.
- Local and regional climate data (temperatures, precipitation, wind speeds and wind direction, relative humidity, etc.).
- Attainment status for both state and federal air quality standards for pollutants such as PM10, NO2, CO, Ozone, and SO2.
- A summary of the current background air quality based upon existing monitoring data in the project area.
- A summary of applicable air quality regulations, and a regulatory compliance analysis indicating how compliance will be achieved for each identified rule or regulation and permits.
- Climatology and meteorology in the project area.
- The project location using a 1:24,000 topographic map.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- The area's attainment status and the most recent three (3) years of ambient air quality data.
- Emissions of concern as they relate to the proposed project would be primarily classified as follows: (1) vehicle-related emissions associated with mobile sources on site and nearby roadways; (2) construction-related and operational-related fugitive emissions (dust, wood ash dust, wood char dust) during operations of the Temporary Log Storage Yard activities and equipment exhaust emissions; and (3) stationary source emissions.
- The Advisory Committee requests the Town model the air quality impacts of the proposed project to determine the ambient air quality impacts. These impacts should be presented as text, in tabular form, and on a 1: 24,000 topographic maps with concentration contours. The impacts should be compared to ambient air quality significance levels and ambient air quality standards. The Town should ensure Anderson Brothers Corporation submits models and modeling procedures that are approved by the Butte County APCD.
- Identification of the direct and cumulative ambient air quality impacts of the proposed project and any air emission sources within six miles of the project. The cumulative impacts should be added to representative ambient air background concentrations and compared to the ambient air quality standards to determine if the project causes or contributes to violations of these standards. The impacts should be presented as text, in tabular form, and on a 1: 24,000 topographic maps with concentration contours.

Biological Resources

The Town must make findings regarding Biological Resources which state the following: *Town Municipal Code Chapter 8.59.080 - Temporary log storage yards. Subsection C. Standards. All temporary log storage yards shall meet the following standards: 8. Biological Resources. Temporary log storage yards shall not be located on lands containing wetlands, and/or endangered and protected plants and animal species. A biological report shall be furnished to the community development department demonstrating that the site does not contain wetlands and/or endangered or protected plants and animal species. A temporary log storage yard shall not expand without providing a site plan and a biological report to cover the expanded area.*

Anderson Brothers Corporation retained Gallaway Enterprises to prepare a Preliminary Wetland Assessment of the proposed project site and Gallaway Senior Biologist Elena Gregg conducted a preliminary wetland assessment of US Army Corps of Engineers (Corps) jurisdictional waters of the United States (WOTUS) on January 29, 2020 on the proposed project site consisting of five parcels (APN 051-230-047, 051-230-054, 051-230-055, 051-240-011 and 051-240-012)

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

totaling approximately 42-acres located along the southwestern boundary of the Town of Paradise, Butte County, CA.

The Gallaway Report did not utilize Waters of the State Standard in reviewing the proposed project site and only based their evaluation on Corps Wetlands Standards. The Waters of the State (WOTS) regulations were recently approved by the Office of Administrative Law and will become effective on May 28th of 2020. The state of California considers any water or wet spot on the ground within the proposed project site a water of the state, "*The State are starting with 'yes it is' and you have to find one of the exclusions to take it out.*" It's not just that Anderson Brothers Corporation will need a permit because California defined waters of the state very broadly; it's that if the Town is going to approve the project, Anderson Brothers Corporation and Gallaway Enterprises must conduct a study relative to the impact on waters of the state and not just the nation, which now requires Gallaway to conduct an alternatives analysis. The current report submitted to comply with the Urgency Ordinance and document no impact on biological resources is not data adequate. The Town must consider the alternative analysis and establish conditions on the Temporary Use Permit to ensure no locations on wetland and the final site plan also complies with State Regulations of choosing the least damaging alternative, and the Town must require mitigation potentially, in accordance to the new State rules. The Advisory Committee asks the Town to deem the Temporary Use Permit Application incomplete and request that Anderson Brothers Corporation contract with a qualified biologist to address the data adequacy problem of Biological Resources.

Requested Town Action and Findings

The Blue Oaks Neighborhood Advisory Committee requests the Town prepare a new wetlands inventory to meet all State regulations within the proposed project area being considered for the Temporary Log Storage and Processing Yard (42 plus acres), as compliance to the Urgency Ordinance 590 to allow the Town the ability to set conditions for the Temporary Use Permit and establish a preservation strategy of natural resources and wetlands within the proposed project area. The inventory should consist of two key components: a database of existing information compiled for individual wetlands sites located within the proposed project area which conforms to the new requirements of the California Regional Water Board for protection of waters of the state as will become effective May 28, 2020, and an evaluation of the significance of individual wetlands sites or wetlands complexes with a full alternative analysis as required by the State of California. The inventory should provide input to the selection of key conservation sites for the proposed project site plan and should also act as a source of information on which resource managers, planners and project managers can make more informed decisions. After important sites have been identified and protected, it will be necessary to ensure that appropriate management measures are implemented for these sites within the proposed project area or as conditions of the Temporary Use Permit. A range of different options to achieve this end should

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

be developed. The Wetlands Inventory should provide a useful and comprehensive database and resource inventory to the management and planning of resources in the proposed project area.

Wetlands can be associated with a suite of functions and values which they perform in a natural landscape setting. These functions vary in importance depending upon their position in the landscape and the surrounding land use. For land use decisions contemplated with the proposed issuance of a Temporary Use Permit to allow a Temporary Log Storage and Processing Yard, it is critical that individual wetlands be characterized with respect to their values, and targeted for preservation if necessary regardless of whether they are waters of the US or waters of the state.

The Blue Oaks Terrace Neighborhood Advisory Committee request the Town utilize a Geographic Information Systems (GIS) application with a set of preservation protocols to model the relative importance and opportunity for a wetland to perform any one of five different functions in the landscape. Functions should be limited to sediment control, bank stability, water quality improvements, habitat, and flood control. The GIS application should combine land use/land cover data with National Wetlands Inventory information. A set of criteria should define a suite of possible rankings based on wetland type, adjacent land use or proposed land use within the proposed project area (42 plus acres), position in the watershed, and external factors within the region which may influence the ability of a wetland to perform a function (wetlands functions include water quality improvement, habitat quality, flood buffering, bank stability, and sediment control). These criteria should be determined with simple GIS techniques. The GIS model output should create a database suitable for land use planners and managers to assist in their planning activities associated with the proposed establishment and operations of a Temporary Log Storage and Processing Yard. The goal of the GIS Wetlands Preservation Targeting Model is to develop a tool for the assessment of wetlands, and the identification of the most important wetlands for restoration or preservation and document compliance with the Urgency Ordinance 590 requirements regarding avoidance of impacts to wetlands.

The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town's analysis of the biological resources within the proposed project area considers potential significant impacts to plant and animal species and their habitats. The following data adequacy requests are made of the Town to provide the Advisory Committee adequate data to allow a full evaluation of the biological resources of the proposed project area (As Required by Urgency Ordinance 590) and supplement the Gallaway Preliminary Summary Biological Report which does not address adequately the potential impacts to identified resources as a result of implementing the proposed Temporary Log Storage and Processing Yard:

- Provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the proposed

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

project, the measures proposed to mitigate adverse environmental impacts of the proposed project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.

- A regional overview and discussion of biological resources, with particular attention to sensitive biological resources near the proposed project area, and a map at a scale of 1:100,000 (or some other suitable scale) showing their location in relation to the project.
- A discussion and detailed maps at a scale of 1:6,000, of the biological resources at the site of the proposed project and related facilities or log storage and processing yard operations, and in areas adjacent to them, out to a mile from the site. Include a list of the species actually observed and those with a potential to occur. The discussion and maps shall address the distribution of community types, denning or nesting sites, population concentrations, migration corridors, breeding habitats, and the presence of sensitive biological resources.
- A description of all studies and surveys used to provide biological information about the project site, including seasonal surveys and copies of the California Department of Fish and Wildlife's Natural Diversity Data Base Survey Forms, "California Native Species Field Survey Forms", and "California Natural Community Field Survey Forms", completed by the Anderson Brothers Corporation or their biological consultant. Include the dates and duration of the studies, methods used to complete the studies, and the names and qualifications of individuals conducting the studies.
- A discussion of all permanent and temporary impacts to biological resources from site preparation, construction activities, and Temporary Log Storage and Process Yard operations. Discussion of impacts must consider impacts from wood ash and chard dust drift, and from the use and discharge of water during construction and operation. For portion of the site which will use watering to cool log stacks, wood chip piles, dust suppression or other purposes or take or discharge water directly from or to natural sources, discuss impacts resulting from entrainment, impingement, thermal discharge, effluent chemicals, type of pump (if applicable), temperature, volume and rate of flow at intake and discharge location, and plume configuration in receiving water.
- Provide complete discussion of all measures proposed to avoid and/or reduce any adverse impacts.
- Provide discussion of all measures proposed to mitigate any adverse impacts, including any proposals for off-site mitigation.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- Outline and identify any educational programs proposed to enhance employee awareness in order to protect biological resources during establishment and operations of the proposed Temporary Log Storage and Processing Yard.
- Provide a discussion of compliance and monitoring programs proposed to ensure the effectiveness of Temporary Use Permit conditions incorporated into the proposed Temporary Log Storage and Processing Yard Project.
- Provide a discussion of native fish and wildlife species of commercial and/or recreational value that could be impacted by the proposed Temporary Log Storage and Processing Yard Project.
- Identify the potential and quality of habitat on and surround the proposed project area for sensitive biological resources: Species listed under state or federal Endangered Species Act; or Resources defined in sections 1702 (q) and (v) of Title 20 of the California Code of Regulations.
- Make a finding, verify and validate that the proposed project area does not contain species or habitats identified by legislative acts as requiring protection.
- Prepare Tables which identify laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, and permits applicable to the proposed project area, and a discussion of the applicability of each. The table or matrix should explicitly reference pages in the Temporary Use Permit Application or other submittals for the Temporary Log Storage and Processing Yard wherein conformance, with each law or standard during both construction and operation of the proposed Temporary Log Storage and Processing Yard is discussed.
- Tables should also identify each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Town to issue a Temporary Use Permit under the Urgency Ordinance 590.
- Provide a discussion of the conformity of the proposed Temporary Log Storage and Processing Yard with the requirements listed in the Tables called out above regarding laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans and permits.
- Provide the name, title, phone number, and address, if known, of an official within each agency who will serve as a contact person for the agency regarding compliance with

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

biological resources permits or conditions of approval for the Temporary Use Permit issued under the Town's Urgency Ordinance 590.

- Provide a schedule indicating when permits outside the authority of the Town will be obtained and the steps the Anderson Brothers Corporation has taken or plans to take to obtain such permits to activate the Temporary Use Permit and be in compliance with all permits and the mandates of the Urgency Ordinance 590 regarding biological resources stewardships.

Land Use Compatibility

The Urgency Ordinance 590 requires the Town to evaluate the compatibility of the proposed Temporary Log Storage and Processing Yard to surround existing land uses. The Town Municipal Code states the following requirements:

"Chapter 8.59.070 - Temporary uses associated with removal of fire damaged debris. B. The director or his/her designee may authorize such temporary storage use based on substantial evidence that:

2. The temporary storage use shall not adversely interfere with the permitted use of other land uses and activities on the site or in the general vicinity.

3. The temporary storage use shall be conducted in a manner compatible with the land uses in the general vicinity.

C. The director may establish such additional conditions as necessary to ensure land use compatibility and to minimize potential negative impacts."

The Blue Oaks Terrace Neighborhood Advisory Committee has not seen or been provide any land use compatibility analysis for the proposed Temporary Log Storage and Processing Yard. The Advisory Committee requests the Town fully understand all aspects of the proposed project affecting the use of land, including required easements or other agreements affecting private property and CCR's on the proposed project site parcels or parcels surrounding the proposed project area. Typically to protect an industrial land use, such as that proposed with the Temporary Log Storage and Processing Yard, from conflicting land uses Operations, Sound, Air Space and Access Easements are required for property surrounding the industrial site hosting the Temporary Log Storage Yard. No discussion has been presented of how the proposed Temporary Log Storage and Processing Yard will impact existing surrounding land uses or if easements will be required to implement the establishment and operations of the industrial use.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

The proposed Temporary Use Permit will allow and promote increased industrial activity on a vacant parcel of land planned for rural residential development, which is entirely surrounding by low-density residential land uses, sensitive commercial uses with motel/hotel, and medical center facilities. Thus, residents living in the vicinity may be subject to potential significant impacts associated with increased general industrial operations associated with a Temporary Log Storage and Processing Yard allowed by the proposed approval of a Temporary Use Permit under the Urgency Ordinance which has suspended land use regulations which would normally protect property owners from conflicting and incompatible land uses. Residents will be subjected to noise, vibrations, fumes, dust, wood ash, wood char dust, mold, fungi, bacteria, fuel particles, and safety hazards associated with operations associated with the industrial use and activity of a Temporary Log Storage and Process Yard. No data has been provided to verify, support, or confirm the requirements of the Urgency Ordinance for the proposed project not adversely interfere with the permitted use of other land uses, be compatible with land uses in the vicinity, and minimize potential negative impacts.. Increased industrial operations as a result of implementing the proposed Log Storage and Processing Yard, may be considered a nuisance by the residents. In addition, the Town Temporary Use Permit Application and Information provided on the Anderson Brothers Corporation request does not discuss how the proposed project is consistent with other plans such as the Towns General Plan, Towns Housing Element, Regional Housing Allocation Plan, Short Range Transit Plan, and the Regional Transportation Plan.

In evaluating land use issues, the Blue Oak Terrace Neighborhood Advisory Committee recommends the Town evaluate the consistency/compliance of the project with Federal, state, regional, and local land use plans, and regulations, as well as consider the site plan for the proposed Temporary Log Storage and Processing Yard compatibility with the existing and planned land uses in the vicinity. In addition, the Site Plan for the proposed project should be reviewed for conformance with all the spatial requirements set out in the Urgency Ordinance 590 and a Memo providing certification of compliance.

The Town should fully understand all aspects of the proposed project affecting the use of land, including required easements, existing prescriptive easements or other agreements affecting private property. The existing residents residing adjacent to the proposed project area have established a right to a prescriptive easement along the creeks, water features, and woodlands of the project site. The rationale behind prescriptive easements is that long-time users of property can acquire a legal interest at the expense of property owners who have slept on their rights. Elements of a Prescriptive Easement in California, a user of land may establish a prescriptive easement by proving that his or her use of another's land was: (1) continuous and uninterrupted for five years; (2) open and notorious; and (3) hostile. By review of historical satellite images numerous walking paths can be identified that have been used historically. The proposed Site Plan must honor the prescriptive easements on the 42-acre proposed project area.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

The first requirement is relatively straightforward. "Continuous" use means that the use occurred over a five-year period on occasions necessary for the convenience of the user. The residents surrounding the proposed project site have been using the walking paths on the project site property for both vehicle and pedestrian access to the wetlands, creeks, and woodlands, for the past 50 plus years. The residents use of this access has been continuous and year around. The proposed project site, property owners, (Anderson) have failed to post the necessary signage under Civil Code Section 1008, stating "Right to Pass by Permission, and subject to Control, of Owner" prior to the residents use of this land ripening into a prescriptive easement (5 year period).

The second requirement "open and notorious" This means only that the use of the land is sufficiently visible that anyone who bothered to view it would be able to discover it. Generally, the use will be considered "open and notorious" as long as it is not hidden or concealed from the property owner. The easements along the creeks, wetlands, and woodlands of the proposed project site is noticeable to all the general public as it is worn into a pathway which is large and distinctive from the grass and vegetation growing elsewhere on the proposed project site. The pathway is visible from several adjacent roadways and from historical aerial photos of the 42-acre project area.

The final requirement is the use of the land qualifies as "hostile". Meaning the residents surrounding the proposed project site have used the land on the project site without the expressed permission of the project site property owner. Hostility is reflected in the fact that the property owners (Anderson) have proposed a site plan for the Temporary Log Storage and Processing Yard Project, that would re-take the land by adverse possession (by easement by prescription). In addition, in interviewing existing residents who use the easement it was stated that no permission was ever granted, it simply has always been that way.

The proposed Anderson Brothers Corporation Temporary Log Storage and Processing Yard Project has provided a site plan that does not allow pedestrian nor vehicle access on the existing pathways within the project site. The proposed improvements within the prescriptive easement area within the planning project area under the site plan as submitted, would be in jeopardy, until five years has passed, and the residents surrounding the project site (Easement Owners) failed to enforce their easement right in court.

If the Town and Anderson Brothers Corporation proposes to use these prescriptive easements as shown in the Site Plan, it must be taken back in the same manner as it was taken, which is an open, notorious, continuous, manner for five (5) years or more. Such self-help is tantamount to re-taking the land by adverse possession (by easement by prescription), and you have to take the land back in the same manner as it was taken from you, which is in an open, notorious, continuous manner for five years or more. "It is settled law that an easement, whether acquired

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

through a grant, adverse use, or as an abutter's right, may be extinguished by the owner of the servient tenement by acts adverse to the exercise of the easement for the period required to give title to the land by adverse possession." Popovich v. O'Neal, 219 Cal. App. 2d 553, 556 (Cal. App. 5th Dist. 1963). See also, Glatts v. Henson, 31 Cal.2d 368, 370 [188 P.2d 745]; Rest., Property, § 506, p. 3090; 17 Cal.Jur.2d § 40, p. 149.). "Generally, a prescriptive easement once acquired can be extinguished by actions of the servient tenement which satisfy the same elements required for the creation of the easement." Zimmer v. Dykstra, 39 Cal. App. 3d 422, 435 (Cal. App. 2d Dist. 1974).

If the proposed site plan and planning action is not modified to rectify the above identified issue it would constitute a significant impact to land use regarding the division of a community and be a violation of the Urgency Ordinance 590. This significant impact if not mitigated would require provide findings for the Town to deny the requested Temporary Use Permit due to the documented adverse interference the proposed project would create, which is forbidden by the Urgency Ordinance 590 because approval of the Temporary Use Permit would allow the proposed site plan to divide a community and allow adverse possession of the easements. Furthermore, the future disruption of the proposed Temporary Log Storage and Processing Yard having to demolish the pathways within the prescriptive easement, assuming the Easement Owners prevailed in court, would impact the character, design, and efficient use of the proposed project site. Town approval of the current site plan also will pit the existing residents against the property owner and applicant for the requested planning approval, making the Town potentially a party in the Easement Owners lawsuit to enforce their easement rights. The Town may be held liable for legal costs and damages of the Easement Owners in enforcing their easement rights because of the Town's decision in the matter to approve the site plan, Temporary Use Permit, under the Urgency Ordinance 590 adopted by authority of a terminated Emergency Proclamation, extending the end of the emergency beyond the requirements of the California Government Code 8630 as proposed.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee would recommend the Town prepare a Land Use Compatibility Analysis which addresses the prescriptive easements issues by ensuring the site plan has been incorporated to diminish any potentially significant impacts related to dividing a community or interfere unreasonably with the easement along the creeks, wetlands, and woodlands of the proposed project site.

Noise

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town address potential noise impacts and include potential impacts from construction and cumulative impacts from other projects and activities associated with the rebuilding and restoration of the community after the

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Camp Fire. The Town should compare estimated project noise in areas to be occupied by workers and at sensitive noise receptors to local, state, and Federal standards. The noise analysis should utilize information and maps developed for the land use compatibility analysis, including information on future developments in the study area, information from discussions with Town and Butte County staff, and the results of an early reconnaissance of the study area. The Town should use models that have been successfully employed on similar projects to estimate noise levels and predict changes in noise levels in the study area anticipated to be impacted by the Temporary Log Storage and Processing Yard operations.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town's approach to evaluation of noise impacts associated with the proposed Temporary Log Storage and Processing Yard operations should include the following:

- Identification of land uses in the planning study area, including sensitive receptors (residences, schools, parks, motels, medical centers, etc.). Conduct noise monitoring information.
- Identification of future land uses in the study area, and potential future projects in the study area.
- Identification of expected noise-producing construction equipment and noise-producing equipment during operations of the proposed Log Storage and Processing Yard.
- Identification of expected noise levels from each piece of construction and operating equipment; near-field data is required for employee exposure assessments and far-field data is required for community noise exposure assessments.
- Identification of noise levels that employees will be exposed to.
- Identification of expected composite noise levels (ambient plus project activity) at the site boundary and at the nearest noise-sensitive receptors resulting from construction, and operations as well as discussion of changes in noise levels caused by the proposed project.
- Discussion of potential cumulative impacts on existing and future land uses from the proposed Log Storage and Processing Yard, related infrastructure (such as acceleration and deceleration lanes on the Skyway) and other planned and foreseeable future projects in the vicinity that could produce noise; the logarithmic nature of decibel addition must be taken into consideration in assessing cumulative noise impacts.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Transportation Impacts

The Urgency Ordinance 590 requires the Town to determine the proposed Temporary Log Storage Yard will not create undue traffic hazards or congestion. Town Municipal Code states the following:

"8.59.070 - Temporary uses associated with removal of fire damaged debris.

B. The director or his/her designee may authorize such temporary storage use based on substantial evidence that:

- 1. The temporary storage use shall not adversely impact the public health, safety, or convenience or create undue traffic hazards or congestion."*

To date the Blue Oaks Terrace Neighborhood Advisory Committee has seen no documentation or analysis of traffic impacts caused by truck traffic generated by the proposed Temporary Log Storage and Processing Yard being located off the Skyway. The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town prepare a traffic study. The Blue Oaks Terrace Neighborhood Advisory Committee would like to work closely with the Traffic Consultant and the Town in developing appropriate assumptions for the project. In addition to the roadway network impacts, the traffic analysis is assumed that the Traffic Consultant will include an assessment of internal circulation issues and constraints for the proposed project area. The Blue Oaks Terrace Neighborhood Advisory Committee would like to review the traffic study for environmental adequacy and compliance to the requirements of the Urgency Ordinance 590.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town address traffic and transportation issues that include potential impacts from ingress/egress of truck traffic on the Skyway, together with cumulative impacts from other development projects. The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town to prepare a traffic model for the proposed project area and consider alternative access easements to the proposed project area to avoid ingress/egress off the Skyway. The Town should evaluate and analyze the workforce generated by Temporary Log Storage and Processing Yard activities and future business generation and employment. Considerations should include the number of round trips associated with the construction workforce and what impacts the additional workforce will have on the area, as well as traffic impacts resulting from new workers and contractors bring logs to the proposed project area. Public transportation and congestion management agencies should be consulted about the proposed project, if any, on transportation systems. The evaluation should also include analysis of applicable laws, ordinances, regulations, and standards that will be relevant to the proposed project traffic and parking.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Project trip generation volumes should be estimated for weekday and peak-hour conditions.

- **Trip Distribution and Assignment**—Based on an analysis of the trip making characteristics of the proposed project, existing and future traffic flow patterns, origin/destination data obtained from the project applicant, area demographics of the trip distribution of project-generated traffic should be estimated. Traffic should be assigned to the existing street system based on logical travel patterns associated with this directional distribution (One Way Streets Associated with Skyway).
- **Existing Plus Approved/Pending Projects Plus Project Conditions Analysis**—The proposed project generated peak hour and daily trip volumes should be added to the derived Existing Plus Approved/Pending proposed project volumes, to obtain the Existing Plus Approved/Pending proposed project plus project traffic conditions. The potential level of service (LOS) impacts of the proposed project should be quantified, by comparison of existing plus approved/pending proposed project conditions to existing plus approved/pending proposed project plus proposed project conditions at all study area critical intersections and roadways.
- **Project Access and On-Site Circulation**—Proposed and potential project area/access roadways should be evaluated to determine appropriate configuration, location, and traffic control. Spacing with other intersections and roadways, and vehicle stacking requirements should be evaluated. In addition, project area pedestrian/bicycle safety concerns should be evaluated.
- **Description of any new transportation systems/facilities including access roads and any significant improvements to existing transportation needed for construction and operation of the proposed project** should be evaluated such as acceleration and deceleration lanes.

Solid Waste Facility Permit

The Urgency Ordinance 590 requires a Temporary Log Storage Yard operator to obtain a Solid Waste Facility Permit if its operations qualify. See the Town Municipal Code which states:

"8.59.080 - Temporary log storage yards.

C. Standards. All temporary log storage yards shall meet the following standards:

10. Butte County Public Health, Environmental Health Division Standards.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

a. Depending on the activities performed on-site, the temporary log storage yard may be determined to be a solid waste facility. The facility operator must provide access to the facility and provide for review of the activities occurring at the facility to the local enforcement agency, Butte County Environmental Health, to determine if there exists a requirement to register for a permit status as a solid waste facility in accordance with Title 14 of the California Code of Regulations."

According to the Temporary Log Storage Yard Application submitted to the Town by Anderson Brothers Corporation the proposed project will operate seven days per week and will receive 285 logging trucks per day. The laws governing truck weight are in Cal. Vehicle Code §§35550 et seq. and permitting provisions are in Cal. Vehicle Code §§35780 et seq. Trucks and vehicle combinations transporting loads composed solely of logs are allowed to exceed the tandem axle limit by up to 1,500 lbs. for a maximum tandem axle gross weight of 35,500 lbs. Two consecutive sets of tandem axles are allowed a combined gross weight of up to 69,000 lbs. provided no axle exceeds 35,500 lbs. and the overall distance between the first and last axle of such consecutive sets of tandem axles is 34 feet or more (Cal. Vehicle Code §35552). Based on the maximum allowed combined gross weight of 69,000 lbs. per truck load and the proposed project will accept 285 trucks per day, will allow the proposed Temporary Log Storage and Processing Yard move 9,832 tons per day. This volume of wood debris chipping and grinding facilities qualifies the proposed Anderson Brothers Corporation Temporary Log Storage and Processing Yard as a "Full Permit" type Solid Waste Permit Facility and is subject to CalRecycle's regulatory authority.

Butte County Environmental Health Department acts as the Local Enforcement Agency (sometimes referred to as LEAs) for CalRecycle/State of California and has the primary responsibility for ensuring the correct operation and closure of solid waste facilities and issuance of "Full Permit" for Solid Waste Facilities. This includes solid waste facility permitting, inspection and enforcement authority. CalRecycle reviews and concurs with the permit proposed by the Butte County local enforcement agency. This is done to ensure that the permit and the facility meet state minimum standards and all other applicable California laws and regulations.

California uses a "tiered" system of permits for solid waste facilities, including recycling and processing facilities. The system consists of five permit tiers for different facilities, depending upon the type, size and material accepted. The requirements range from "excluded" (that is, the facility is outside of the scope of the tiers) to a "full solid waste facility permit." The proposed Anderson Brothers Corporation Temporary Log Storage and Processing Yard qualifies as a "full solid waste facility permit."

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town conditions the approval of the Temporary Use Permit and authorization to proceed with the establishment of the proposed Log Storage and Processing Yard upon receiving the Solid Waste Facility – “Full Permit” from the Butte County Environmental Health Department who acts as the LEA on behalf of the State of California and CalRecycle.

QUESTIONS UNANSWERED BY TOWN STAFF REPORT/INADEQUATE FINDINGS

The Town's Planning Commission should seek answers to the following as “findings of fact” required to support the decision to approve or deny a temporary use permit for the proposed Temporary Log Storage and Processing Yard:

1. Consider program characteristics such as staffing and supervision, hours of operation, debris type, facility capacity, length of daily operations, and any other factors which may have a bearing on the compatibility of the facility with the surrounding neighborhood.
2. Consider the design of the proposed facilities, log stacks, chip piles, etc.... is of a human scale, is in harmony with the surrounding area and not enormous in character.
3. Consider time horizons for the Temporary Use Permit for performance reviews, with the understanding that permits to continue use may be granted as long as operations prove compatible with neighborhood life. Develop specific standard criteria for periodic reviews.
4. As a condition of approval, Anderson Brothers Corporation should be required to name a liaison person to whom neighborhood residents can refer for exchange of information and expression of concern regarding the facility, both while an application for a development permit is being processed, and while the facility is in operation.
5. Anderson Brothers Corporation should prepare a fact sheet describing the proposal in terms of exact equipment used on site, hours of operation, number of personnel, number of deliveries and vehicle trips per hour and per day, size (height, width, length) of log stacks, and chip piles, monitoring for PM of wood ash and char dust, documentation of burnt logs and wood debris removal locations, level of supervision; referral process; and funding. Each of these characteristics should be made a condition of approval to limit future operational changes that could generate impacts not considered in this current proposal.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

6. Anderson Brothers Corporation should provide contact person who can answer technical questions related to hazards associated with wood ash, char dust, and other chipping and processing practices in their facility.
7. Does Anderson Brothers Corporation have a program in place to eliminate the off-site contamination by fungus, bacteria, and molds on logs and drift of wood ash dust and char dust?
8. Does Anderson Brothers Corporation provide staff members annual training on the health and environmental effects of processing burnt logs?
9. Does Anderson Brothers Corporation provide annual education on waste management for employees? Please describe any education or training provided on handling and minimizing waste: (type of training, who receives, who provides, how often, documentation).

The Blue Oaks Terrace Neighborhood Advisory Committee would like to discuss the issues outlined above to determine appropriate scope and approaches to evaluating the consequences of the proposed Temporary Use Permit per the requirements of the Urgency Ordinance 590. We hope the Blue Oaks Terrace Neighborhood Advisory Committee can provide practical solutions and gain the data adequate to comply with the Urgency Ordinance 509 review and approval requirements for Temporary Use Permits.

Thank you for your attention in this matter. If you have any questions, please let me know.

Sincerely,



Paul Farsai, Blue Oaks Terrace Neighborhood Advisory Committee

Paradise, CA

530-342-7337

Paul@LandDevelopers.Land

Hartman, Susan

From: Volenski, Dina
Sent: Monday, April 27, 2020 7:09 AM
To: Greg Bolin (gbolin@bolincompanies.com); Jody Jones; Melissa Schuster (LadyMofParadise@hotmail.com); Steve Crowder; Steve Crowder; Zuccolillo, Mike; Anita Towslee (aktowslee@comcast.net); Jim Clarkson (hudsonsappliance@gmail.com); Kim Morris (georgebtu@sbcglobal.net); Shannon Costa; Stephanie Neumann (stephanieneumann97@gmail.com)
Cc: Smith, Ursula; Gill, Lauren; Hartman, Susan
Subject: FW: Letter for the Paradise Town Council

Message from Paradise resident Joanne Lougaris.

From: Joanne Lougaris <joanelougaris@att.net>
Sent: Saturday, April 25, 2020 11:50 AM
To: Volenski, Dina <dvolenski@townofparadise.com>
Subject: Letter for the Paradise Town Council

Please forward to the Planning Commission and Paradise Town Council for the next meeting regarding the Anderson Project.

Town of Paradise Planning Commission and Council Members;

I hope that the Paradise Town Council will take the time to read all the concerns raised by the homeowners who live around the "Anderson Property". What I saw was a lack of consideration by the Planning Commission who had already made up their minds even prior attending the April 21, 2020 meeting. With the exception of a couple of people, the rest couldn't care less.

I moved up to Paradise in 2015 to get away from the Bay Area and retire in a quiet and peaceful community. I chose the Blue Oak Terrace Community as my final home as I thought it would provide most of my requirements.

Unfortunately, this has not been the case so far, I have been through two evacuations due to fires which I am left with PTSD. Now the Planning Commission goes ahead and approves the "Anderson Project", destroying my dream even further.

I would like the Paradise Town Council to please look at the problems with this "Project":

1. What an unwelcoming gateway for people who wish to come to Paradise and make it their home. What is first thing they will see...traffic, 300 semi- trucks and trailers with logs on Skyway. Where's the traffic study?
2. Toxic air pollution.
3. Potential water contamination to people who use well water for their homes. Blue Oak Terrace is on 2 wells just below the "Project".

4. Noise pollution...7am to 7pm, 7 days a week.
5. The "Project" location is zoned "Rural-RESIDENTIAL".
6. What guarantee do we have that the "Project" will end Dec 2020? No project ever completes on time. (*I worked as a Project Manager for 20 years and I know how projects work.*)
7. What about the people who have to drive through Paradise to get to their homes in Magalia and other communities? One accident from these logging trucks can keep all of us from getting to our homes and families for hours. Not to mention traffic accidents deaths due to your approval of this "Project". **Does the Town have enough money/insurance to cover liability lawsuits?**

There are so many properties that could be used for this project that would NOT impact residents. I know exactly how a non-profit works and this is not going to benefit anyone but Anderson and his partners.

I could go on, and on but I will stop now. My hope is that the Paradise Town Council can see beyond the rhetoric that was given to the Planning Commission by Anderson and vote NO.

Sincerely,

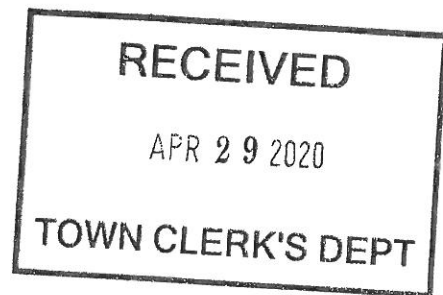
Joanne Lougaris

454 Bay Tree Drive

Paradise, Ca 95969

April 22, 2020

Council Member
Town of Paradise
5555 Skyway
Paradise, CA 95969



Council Member

I am writing to you after watching the Planning Commission meeting on April 21, 2020 regarding the Anderson Log Storage and Processing application. I am in total opposition to the Mr. Anderson's proposed use of his residential zoned property. In the effort to remain civil in this letter, I will say that I am minimally furious. My actual words are much more descriptive and to the point.

Where do I begin? Had I not known better I could have easily believed that Mr. Anderson was being nominated for Man of the Year by the some of the Commissioners. I found the familiarity demonstrated by some of the Commissioners toward Mr. Anderson very concerning since Mr. Anderson was an applicant before the Commission. The Planning Commission is supposed to be objective and unbiased toward applicants, not buddy buddy with them. For many years I have held the belief that money and church affiliation dictate who gets what in the Town of Paradise. The Commission meeting did nothing to dispel that belief. Mr. Anderson spoke for three times longer than the time allowed all other speakers. He would have continued longer had it not been for one of the Commissioners questioning the Town Attorney about the time allotted to speakers. Mr. Anderson's presentation was nothing more than him blowing his and his family's horns about their involvement with the Town.

Bear with me as I list the issues I have with Mr. Anderson's proposal and the Town staff and Planning Commission's response to Mr. Anderson's application.

TRAFFIC: I am appalled that a full and complete traffic survey was not required by Town staff and the Commission BEFORE the application for such a huge project was accepted. The Town Engineer explained that a traffic study would be required and completed AFTER the application is approved and the project started. Seriously? Two hundred eighty-five large, heavily loaded trucks per day crossing the Skyway at what are nothing more than uncontrolled driveways from private lots. Two hundred eight-five truck crossings per day is going to result in traffic being stopped every few minutes for the time and duration of the operation.

There WILL be accidents and I'm sorry to predict that there may be serious injuries and death from traffic accidents at the crossing location. If this application is approved the accidents, injuries and deaths will be on the shoulders of the Planning Commission and Town Council! That is a dangerous section of roadway! I am fairly certain that Town staff and the police department have absolutely no idea how many vehicles travel the affected section of Skyway per hour.

Since the Camp Fire, traffic laws in Paradise seem to have been suspended. I have seen no evidence of traffic enforcement from the Paradise Police Department since we returned to Town on December 16, 2018. I have not seen a single Paradise patrol unit on a traffic stop anywhere in Town. I have witnessed several near collisions at controlled intersections due to excessive speed and complete disregard for traffic control signs. I have watched vehicles crossing the intersection with Neal Road on Skyway at 70 MPH. I have watched heavily loaded large trucks driving through Town at double the posted speed limits.

(As an aside, I have earned the right to be critical of the Paradise Police Department. I retired from a 37-year law enforcement career doing everything from patrol officer to Chief of Police. Eight of those years were with the Paradise Police Department when it was well staffed, well experienced, well compensated and effective.)

What I think will happen is that traffic will begin using Neal Road instead of constantly being stopped on Skyway. Neal Road was not designed to handle the amount of traffic that uses Skyway. Neal Road in the Town limits has been destroyed by the overloaded debris removal trucks and heavy equipment and Public Works has done absolutely nothing to repair the pavement. If one doesn't straddle the center line going down Neal Road the holes and depressions can cause significant damage to vehicle suspensions. Cement trucks, gravel trucks and material delivery trucks are working overtime, on schedules and in high demand. They will not be willing to stay stopped on Skyway as logging trucks cross it.

While I am on the subject of traffic in Paradise, I must comment on the Town Council's refusal to address serious evacuation route shortcomings. When we evacuated from the Humboldt Fire in 2008 only one route out of Town was available. Paradise PD had the evacuation route so completely messed up that it took us three hours to travel from our home on Jade Lane to our friend's home in Durham, a distance of 12 ½ miles. During our evacuation caused by the Camp Fire we used Neal Road and it took us 2 ½ hours to drive from Jade Lane to the Lowe's parking lot in Chico. We left our home at 10:30 AM. People died sitting in their cars, unable to move, during the Camp Fire! History has proven that Skyway through the downtown area needs to be back to four lanes. Neal Road, Clark Road and Pentz Road need to be widened to four lanes. Wagstaff Road, Billie Road and Pearson Road need to be widened to four lanes. These roadways should have been widened to four lanes before Town reopened when resources and funding were available! By refusing to address these serious issues the Town Council and Town staff will be directly and indirectly responsible for any future deaths and injuries because people cannot flee a fire or other natural disaster in a timely manner. In my opinion, this is pure negligence! Make no mistake, there will be another Camp Fire or other natural disaster at some time in the future.

PROPERTY VALUES AND QUALITY OF LIFE: If Mr. Anderson's application is approved, property values within sight, hearing and down-wind from the operation will lose significant value and will become unsellable. No one in their right mind is going to purchase any of the many properties for sale along Neal Road or side streets with the noise, dust and unknown toxic materials in the air generated by the huge log chippers and heavy equipment. Full disclosure requirements in real estate transactions will necessitate that prospective buyers must be advised of Mr. Anderson's log storage and processing operation application and approval.

I wonder if Superior Court juries might agree that property owners have suffered significant financial loss as a direct result of Town staff, Planning Commission and Town Council actions with regard to Mr. Anderson's log operation.

ACCOUNTABILITY: Mr. Anderson and his corporation are the land owners and the use permit holders. Mr. Anderson clearly stated that he will lease the property and operation to a builders group associated with the CMA church. That group will then hire an unknown company to actually operate the log storage and processing. Who will the public and the Town hold responsible for violations of the use permit conditions? How can the Town possibly make sure that fire hazards are being mitigated, dust and toxins are being limited and hours of operation are being maintained? Mr. Anderson admitted

that he does not know what hours per day or number of days per week the operation will run. The Town has not stated clearly how many months the use permit will run or be extended. How can the Planning Commission possibly grant a use permit with so many unanswered questions? At this time there is no contract for the tree removal process in Butte County.

GENERAL INFORMATION: My family and I moved to Paradise from San Jose in 1981. We left San Jose because of the congestion and crime. We found Paradise to be truly our "paradise". We bought our property, built our home and moved in in 1983. We raised our two sons here. My wife and I both worked for the Town of Paradise. We have never seriously considered leaving since Paradise is truly our "home".

Our home somehow survived the Camp Fire with minimal damage to the structure but significant damage to landscaping. We had two choices after the fire; leave or stay. We decided to stay as this is "home" for us. We have invested a considerable amount of money replacing and improving the trees and landscaping on our property

If it were not for the full disclosure requirement there would be a For Sale sign in our front yard tomorrow. I am that disgusted by the actions and inactions of the Planning Commission and Town Council. There are literally no words to adequately describe how I feel right now. I don't think I can even foresee how I will feel when I am awakened before sunrise and have to see, listen and deal with the dust and toxins in the air until sunset or after from Mr. Anderson's operation. Mr. Anderson's business plans to operate for 12 hours a day, seven days a week. Take away eight hours of sleep a night (hopefully), that leaves four hours a day of peace and quiet for who knows how many months. Our PG&E bills will increase substantially because we will not be able to open our windows because of the noise and dust/toxins in the air. Our HVAC will be in use at least three times what is normal. Will the Town of Paradise compensate residents for these additional expenses? I think not!



Dan Switzer

145 Jade Lane

Paradise, CA 95969

Hartman, Susan

From: Heather Findlay <hwyldflower@gmail.com>
Sent: Thursday, April 30, 2020 7:31 PM
To: Hartman, Susan
Subject: No to logging facility on lower skyway

Hello,

I hear there are plans to put a logging facility by the crossroads and skyway.

I want it known that I am strongly against this idea! I live on Foothill Rd which backs up to that property. Not only is that a dangerous stretch of the skyway for trucks to be pulling in and out of, many in the neighborhood work from home, including myself.

No one in this neighborhood supports this type of business going in next door.

Thank you for taking this serious matter into consideration.

Please let me know if there is anything more we can do to block this facility from going in! Thank you very much!

--

Thanks so much and have a great day!!

Heather Findlay



Virus-free. www.avast.com

Hartman, Susan

From: Jose Lopez <rythmstyx66@gmail.com>
Sent: Thursday, April 30, 2020 8:56 PM
To: Hartman, Susan

Hello,

I hear there are plans to put a logging facility by the crossroads and skyway.

I want it known that I am strongly against this idea! I live on Foothill Rd which backs up to that property. Not only is that a dangerous stretch of the skyway for trucks to be pulling in and out of, many in the neighborhood work from home.

No one in this neighborhood supports this type of business going in next door.

Thank you for taking this serious matter into consideration.

Please let me know if there is anything more we can do to block this facility from going in!

Thank you very much!

Jose Lopez

Hartman, Susan

From: Volenski, Dina
Sent: Monday, May 4, 2020 7:32 AM
To: Greg Bolin (gbolin@bolincompanies.com); Jody Jones; Melissa Schuster (LadyMofParadise@hotmail.com); Steve Crowder; Steve Crowder; Zuccolillo, Mike
Cc: Gill, Lauren; Smith, Ursula; Hartman, Susan
Subject: FW: Logging site approval

Council, from Al Ledford, regarding the Anderson appeal.

From: alledford33 <alledford33@gmail.com>
Sent: Saturday, May 02, 2020 7:57 AM
To: Volenski, Dina <dvolenski@townofparadise.com>
Cc: Paul Farsai <paul@catopbrokers.com>; joannelougaris <joannelougaris@att.net>; dale <dale@cwelectrical.com>; karl.boles <karl.boles@att.net>; Leroy and Vicky Myrick <Invmyrick@hotmail.com>; Bill & Terri Akers <terriakers@gmail.com>
Subject: Logging site approval

Dina, please forward to Town Council for May 12th meeting.

Councilors

We, as a property owners next to the proposed site, strongly oppose the idea of a logging operation right next to our property.

This site was originally going to be a residential area, then later a cement processing facility, and now a logging operation.

After the Anderson Brothers get through with the logging site, what next?

A dangerous precedent will be set if this site is used as an industrial site in the middle of a residential area.

What will be their next proposal in the future?

There are other areas that would be compatible for this type of operation.

We ask you to deny this proposal.

Al and Elvina Ledford
19 Tuscan Drive
Paradise, California

M E M O R A N D U M

AGENDA NO. 5(a)

TO: Paradise Planning Commission

FROM: Susan Hartman, Community Development/Planning Director

SUBJECT: Continued Public Hearing – **Anderson Brothers Corporation Temporary Use Permit (PL19-0383) Application** to allow a proposed temporary “Log Storage & Processing Yard” land use facility/operation

DATE: April 14, 2020

IMPORTANT NOTE: Due to less than a Quorum present, and pursuant to Government Code section 54955, the regular Planning Commission meeting scheduled for March 17, 2020 was adjourned to **April 21, 2020** at 6:00 pm in the Town of Paradise Council Chambers, 5555 Skyway, Paradise, CA/. 95969. In addition, and pursuant to Government Code section 54955.1, the noticed public hearing for this agenda item was ordered continued to the regular **April 21, 2020** Planning Commission meeting.

BRIEF PROJECT DESCRIPTION:

Pursuant to Paradise Municipal Code Chapter 17.32 [Temporary Use Regulations] and the provisions of Section 8 of Town Urgency Ordinance #590 relating to the removal of fire damaged debris from private property following the Camp Fire, the project applicant is proposing to establish a temporary (7-8 months) “Log Storage & Processing Yard” land use facility/operation associated with the post Camp Fire restoration activities. Temporary uses include contractor’s offices, construction storage yard, temporary buildings, construction equipment and vehicle parking and services, wood storage and processing facility. The land use will include delivery of wood materials from private properties and the Private Hazard Tree Program (**not to include the Government Hazard Tree Removal Program materials**), onsite storage/processing and shipment of wood materials from the site. The project properties combine to encompass a 41.3-acre area with portions zoned Community Commercial, Agricultural Residential 1-acre minimum, and Rural Residential 2/3-acre minimum located adjoining and primarily due south of 4716 thru 4724 Skyway, Paradise, AP Nos. 051-240-011, 012 & 051-230-047, 054, & 055.

TOWN OF PARADISE URGENCY ORDINANCE #590 PROVISIONS:

Per Section 8 of Urgency Ordinance #590: a) the maximum potential number of Temporary Log Storage Yards that may be established in the incorporated area of the Town of Paradise is capped at five (5) sites; b) a Temporary Log Storage Yard shall only be allowed subject to town approval and issuance of a temporary use permit for land areas within the Industrial Services zone,

Community Commercial zone, Community Facility and Community Services zones, Agricultural Residential zones, Rural Residential zones and the Multiple Family Residential zone; and c) all Temporary Log Storage Yards shall comply with, at minimum, nineteen (19) standards that include, but are not limited to addressing the following subjects: application requirements, detailed and “to scale” site plan required, siting criteria, minimum project site land area size of five (5) acres, approved access, on-site roads, property line setbacks and defensible space requirements, biological resources assessment and protection, Paradise Fire Department/Cal-Fire standards, Butte County Environmental Health standards, Town Public Works Department standards, water quality and erosion control requirements, air quality and dust control requirements and plans, storage or processing of fire debris prohibited, noise standards, outdoor lighting, project site reclamation/restoration, project performance guarantee, electricity and electrical equipment, and additional requirements.

Additionally, the provisions of Section 8 of the Urgency Ordinance require and/or stipulate: a) at least ten days (10) **prior to** the intended town issuance of a temporary use permit, the Paradise Community Development Department must provide a mailed notice to property owners within 1,200 feet of the proposed project property line boundaries; b) the temporary use permit shall be issued without a formal hearing, as is the procedure for all temporary use permits, unless one is requested by either the applicant or other affected persons ; c) if a hearing is requested, it shall be scheduled for the next available Planning Commission meeting and the Planning Commission shall hear the request; d) the Planning Commission may impose project conditions and requirements in addition to the standards set forth in the Urgency Ordinance, or may deny the temporary use permit, to mitigate impacts to uses on surrounding properties; and e) unless appealed to the Town Council within seven (7) calendar days of the Planning Commission action, the decision of the Planning Commission shall become final.

DISCUSSION:

Planning staff, and the Town Attorney have determined, that the proposed temporary land use project, particularly as recommended to be conditioned, is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080(b)(3) and Section 15269 (Emergency Project) of the California Environmental Quality Act Guidelines. This environmental determination is applicable because the proposed project is directly linked to and accommodates the necessary emergency removal and process of fire damaged trees and vegetation that pose an imminent danger to the public’s health and safety within the Town of Paradise that was impacted by the Camp Fire. **[Note: A “State of Emergency” has been proclaimed by Governor Newsom as well as the Town Council to apply to the disaster-stricken area of the Town of Paradise affected by the Camp Fire. Moreover, as of this date each of the proclaimed emergency status have not been rescinded.]**

The Temporary Use Permit project application that was submitted and resubmitted with additional project details after initially being deemed “incomplete” for processing has been thoroughly evaluated by town staff and staff of various local and state agencies [ex. Cal-Fire, PID,

Butte County Air Quality Management District, State Fish & Wildlife, Butte County Public Health, Environmental Health Division, Town Engineer, etc.]. Collectively, and based upon all project evaluations received, the town staff has determined the proposed temporary (7-8 months) **“Log Storage & Processing Yard”** project application 1) includes all the required application requirements of Town Urgency Ordinance #590; 2) addresses all the applicable required project standards of the Urgency Ordinance; and as recommended to be conditioned appears to be eligible for Town approval and issuance of the Temporary Use Permit.

Town planning staff generated a “Notice of Pending Temporary Use Permit Issuance” **[copy attached]** for the project application and mailed it ten days prior to the intended permit issuance date to property owners within 1,200 feet of the project property line boundaries. Subsequently, the Community Development Director received written requests for a formal project hearing from some of the potentially affected property owners. Thus, in accordance with the provisions of Section 8 of Town Urgency Ordinance #590, this matter has been scheduled for public hearing by the Planning Commission.

COMMISSION ACTION REQUESTED:

Please be prepared to discuss the proposed temporary (7-8 months) **“Log Storage & Processing Yard”** with staff, other Commissioners, the project applicant and the public during the required noticed public hearing. At the conclusion of the public hearing, staff’s recommendation is for the Planning Commission to render town approval and issuance of a Temporary Use Permit for the project application based on and subject to the findings and conditions embodied within the **attached Temporary Use Permit document**. If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to discuss and make possible changes or additions to the text of the attached and proposed Temporary Use Permit document prior to Planning Commission proposed project decision action.

LIST OF ATTACHMENTS: TEMPORARY USE PERMIT[PL19-00383] APPLICATION

1. Project site vicinity map.
2. Copy of published and mailed notice of the **March 17, 2020** public hearing.
3. Mailing list of property owners and agencies notified of the Planning Commission public hearing.
4. Copy of mailed “Notice of Pending Temporary Use Permit Issuance”.
5. Copy of Notice of Exemption dated February 24, 2020.
6. E-mail comments received from Butte County Environmental Health Registered Environmental Health Specialist, Kim Haas, dated April 2, 2020.
7. E-mail comments received from Dept of Fish & Wildlife Senior Environmental Scientist, Kelsey Vella, dated February 19, 2020.
8. Comments received from Town Engineer, Marc Mattox, dated February 18, 2020.
9. Comments received from Onsite Sanitary Official, Bob Larson, dated February 18, 2020.
10. Comments received from Police Chief, Eric Reinbold, dated February 10, 2020.
11. Comments received from Fire Chief, John Messina, dated February 10, 2020.
12. Comments received from Fire Prevention Inspector II, Chris Rainey, dated January 9, 2020.
13. Comments received from Butte County Air Quality Management District Senior Air Quality Planner, Jason Mandly, dated January 6, 2020.
14. Written comments received from the public.
15. Application materials for the Anderson Brothers Corporation temporary “Log Storage & Processing Yard” project.
16. Biological Resource Assessment completed by Galloway Enterprises, January 2020.
17. Copy of proposed conditionally approved Temporary Use Permit document for the Anderson “**Log Storage & Processing Yard**” temporary land use project.

**TOWN OF PARADISE
NOTICE OF PENDING TEMPORARY USE PERMIT ISSUANCE**

NOTICE IS HEREBY GIVEN by the Community Development Director, pursuant to item “D” of Section 8 of Town of Paradise Urgency Ordinance #590 regarding the following matter:

- a. **PL19-00383 Anderson Brothers Corp. Temporary Use Permit:** Proposed temporary (9-10 months) “Log Storage & Processing Yard” land use facility/operation associated with the post Camp Fire restoration activities. Temporary uses include contractor’s offices, construction storage yard, temporary buildings, construction equipment and vehicle parking and services, wood storage and processing facility. Temporary access points via the Skyway and site internally will be constructed to appropriate public safety standards. Land use will include delivery of wood materials from private properties and the Private Hazard Tree Program (**not to include the Government Hazard Tree Removal Program materials**), onsite storage/processing and shipment of wood materials from the site. [Note: Project applicant contact: David Anderson, phone: (530) 894-5432, or email: andersonj2@sbcglobal.net]. The Town of Paradise intends to issue a conditionally approved temporary use permit for this proposed land use without a formal hearing not later than **March 10, 2020**, unless a hearing is requested by either the project applicant or other affected person(s).

Intended applicable standards and requirements as conditions of project approval includes, but is not limited to the following:

- (1) Extensive property line and defensible space setbacks; temporary log storage yard site(s) located on relatively flat site areas already disturbed and in a manner to decrease impacts to surrounding properties; detailed public road access and on-site roads, driveways and aisles constructed and maintained as approved by the Town Public Works Dept.; avoidance and setback from wetlands and any endangered/protected plants and animal species.
- (2) Adherence and compliance with all applicable Paradise Fire Department/Cal-Fire standards; Butte County Public Health, Environmental Health Division standards; Town Public Works and State Water Quality Control Board standards related to perimeter stormwater control, water quality and erosion control; Butte County Air Quality Management District regulations (Air Quality and Dust control); Noise; Quiet hours shall be maintained from 7:00 p.m. to 7:00 a.m. seven days a week; a prohibition of storage or processing of fire debris from the Camp Fire Consolidated Debris Removal Program.
- (3) Project’s approved “Material Handling & Fire Prevention Plan” shall be established and implemented satisfactory to Town of Paradise Fire Department/Cal-Fire.
- (4) Satisfactory approval and implementation of Project’s “Site Reclamation/Restoration Plan” by the Town Community Development Director.
- (5) Submittal to the Town of Paradise of a “project performance guarantee” in the amount of \$2,000/acre of land disturbed in order to guarantee the proper completion

of any approved work and to ensure that site reclamation is completed to the satisfaction of Town officials.

- (6) Compliance with all applicable "Temporary Log Storage Yard Standards" of Town Urgency Ordinance #590; and any other additional project requirements stipulated by other reviewing agencies.

If Town approved and issued the proposed temporary land use would be in effect between March 17, 2020 and December 31, 2020.

For further information please contact the Development Services Department at (530) 872-6291, extension 114.

SUSAN HARTMAN
Community Development Director

NOTICE OF EXEMPTION

TO: File – [PL19-00383]; AP No. 051-230-047, -054, -055; 051-240-011, & -012

FROM: Town of Paradise, Community Development Department,
Planning Division, 5555 Skyway, Paradise CA 95969

PROJECT TITLE: Anderson Brothers Corp. Temporary Use Permit

PROJECT APPLICANT: Anderson Brothers Corp.

PROJECT LOCATION: Due South/Abutting 4716 thru 4724 Skyway, Paradise, CA.

PROJECT DESCRIPTION: Proposed temporary (9-10 months) “Log Storage & Processing Yard” associated with the post Camp fire restoration activities. Site to be serviced via a temporary contractor’s office, portable restrooms, log storage and processing equipment, etc.

**APPROVING PUBLIC
AGENCY:** Town of Paradise

**PERSON OR AGENCY
CARRYING OUT PROJECT:** Anderson Brothers Corp. [Applicant & Owners]

EXEMPT STATUS: ☐ General Rule Exemption (Section 15061)
☐ Ministerial (Section 15268)
☒ Emergency Project (Section 15269)
☐ Categorical Exemption
Section _____; Class _____

REASON FOR EXEMPTION: Part of project (hazard tree removal) to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor.

CONTACT PERSON: Susan Hartman, Planning Director
(530) 872-6291

SIGNATURE: 

Planning Director

Date: February 24, 2020

Hartman, Susan

From: Haas, Kim <KHaas@buttecounty.net>
Sent: Thursday, April 2, 2020 4:32 PM
To: Hartman, Susan
Cc: Danz, Doug
Subject: RE: Crossfire Wood Processing Yard Resubmittal
Attachments: Timber Processing Facility Conditions (4-2-20).docx

Good afternoon Susan,

Doug and I have been working with CalRecycle on some of the issues involved around permitting the Timber Processing operations opening in Paradise to process the tree debris. We received an email from CalRecycle this afternoon that the facilities processing the trees for the Hazard Tree Removal Program will not be required to obtain a solid waste handling permit. One of the stipulations for this is that the facilities will be operating under a Conditional Use Permit. In light of this latest information, Butte Co EH would like to revise our comments/ conditions for the use permits (please see attached).

I have also been in communication with DJ Gomez (Crossfire), and will be letting him know that he does not need to apply for a solid waste permit with our Department.

Please let me or Doug know if you have any questions about this email.

Thanks.

Kim Haas

Registered Environmental Health Specialist
[BUTTE COUNTY PUBLIC HEALTH](#)
[202 Mira Loma Drive | Oroville, CA 95965](#)
T: 530-538-5331 | M: 530-693-2267 | F: 530-538-5339

Note: Due to COVID-19, the Environmental Health office is closed to the public at this time.

COVID-19 Call Center: 530-552-3050 Open 8am-5pm everyday

"Nationally Accredited, 09/13/17"

[FACEBOOK](#) | [TWITTER](#)

COUNTY OF BUTTE E-MAIL DISCLAIMER: This e-mail and any attachment thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this e-mail (or any attachments thereto) by other than the County of Butte or the intended recipient is strictly prohibited. If you are NOT the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this e-mail and any attachments thereto.

From: Hartman, Susan <shartman@townofparadise.com>
Sent: Wednesday, March 25, 2020 6:30 PM
To: Haas, Kim <KHaas@buttecounty.net>
Subject: Re: Crossfire Wood Processing Yard Resubmittal

ATTENTION: This message originated from outside **Butte County**. Please exercise judgment before opening attachments, clicking on links, or replying.

Thank you!

Timber Processing Operations Comments:

Currently the following conditions will apply to the project:

- 1) Operator shall handle slash/ chip piles so as to preclude their reaching an internal temperature of 122° F or greater.
- 2) Operation shall be conducted to minimize odors, dust and litter migrating off the site.
- 3) For sanitation purposes there shall be a minimum of one (1) portable toilet and one (1) handwashing station at the facility for employee use. The portable toilet shall be routinely serviced by a licensed service provider.
- 4) If water is provided for human consumption, from an on-site well or a storage tank, for twenty-five (25) or more people/day the facility operator shall contact the Butte County Environmental Health Division for public water system permitting requirements. If bottled water is provided there are no such requirements.
- 5) The storage of any hazardous material at or above state-defined thresholds shall require the approval of a Hazardous Material Business Plan by the Environmental Health Division of the Department of Public Health.
- 6) Butte County Environmental Health may conduct site inspections at any time to determine compliance with applicable standards, or in response to a complaint.

Hartman, Susan

From: Vella, Kelsey@Wildlife <Kelsey.Vella@wildlife.ca.gov>
Sent: Wednesday, February 19, 2020 3:09 PM
To: Hartman, Susan
Subject: RE: Tree Processing Facility Use Permit - Town of Paradise

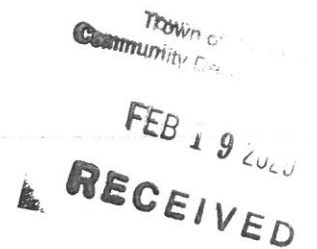
Hi Susan,

Thank you for submitting the revised documents for review. CDFW doesn't have any concerns with the scope of work as it relates to fish and wildlife resources.

Thank you!

Kelsey Vella
916-932-3015

From: Hartman, Susan <shartman@townofparadise.com>
Sent: Monday, February 10, 2020 8:45 AM
To: Vella, Kelsey@Wildlife <Kelsey.Vella@wildlife.ca.gov>
Subject: RE: Tree Processing Facility Use Permit - Town of Paradise



Kelsey,

Attached is the revised and resubmitted application for the temporary log storage yard on lower Skyway for Dave Anderson. The first attachment contains the detailed project description, reclamation plan, fire prevention plan, and revised site plan. The second attachment is the biological report. I just wanted to run these resubmittals by you to see if they change anything regarding your organizations involvement in the project.



Susan Hartman
Community Development Director
Town of Paradise
(530) 872-6291 ext. 114
shartman@townofparadise.com

From: Vella, Kelsey@Wildlife <Kelsey.Vella@wildlife.ca.gov>
Sent: Thursday, January 2, 2020 10:14 AM
To: Hartman, Susan <shartman@townofparadise.com>
Cc: Jacks, Sandra@Wildlife <Sandra.Jacks@wildlife.ca.gov>; Garcia, Jennifer@Wildlife <Jennifer.Garcia@wildlife.ca.gov>
Subject: Tree Processing Facility Use Permit - Town of Paradise

Good morning Susan,

Kursten Sheridan forwarded your email regarding the proposed tree processing facility on Skyway Road in Paradise to our Timberland Conservation Program for review. Thank you for reaching out to the California Department of Fish and Wildlife (CDFW)! I've taken a look at the attached documents and CDFW doesn't have any concerns with the current scope of work as it relates to fish and wildlife resources.

Thank you for your time,

Kelsey Vella
Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
916-932-3015
Please note my phone number has changed

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: Fire, Eng. Onsite, Police, PID, BCEH, BCAQMD, Fish & Game

FROM: Susan Hartman, Planning Director *SH*

REQUEST: Review and Comment

DESCRIPTION OF PROJECT: **Revised:** Proposed temporary (9-10 months) "Log Storage & Processing Yard" land use on community commercial, agricultural residential, and rural residential zoned properties. The site is to be served with temporary portable restrooms, etc.

LOCATION Due South of 4716-4724 Skyway, Paradise

AP NOS.: 051-230-047, -054, -055; 051-240-11 & -12

APPLICANT: Anderson Brothers Corp. [Applicant & Owner]

CONTACT PHONE: (530) 894-5432

RETURN DATE REQUESTED: **February 18, 2020**

DATE DISTRIBUTED: February 10, 2020

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

☒ **YES** ☐ **YES, WITH CONDITIONS** ☐ **NO (EXPLAIN BELOW)**

COMMENTS AND/OR RECOMMENDED CONDITIONS:

[Handwritten signature]

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS THE ABILITY TO SERVE THIS PROJECT.

PLEASE MAKE A COPY FOR YOUR RECORDS.

Town of Paradise
Community Development Dept

FEB 18 2020

RECEIVED

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: Fire, Eng., Onsite, Police, PID, BCEH, BCAQMD, Fish & Game

FROM: Susan Hartman, Planning Director *SH*

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DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

☒ **YES** ☐ **YES, WITH CONDITIONS** ☐ **NO (EXPLAIN BELOW)**

COMMENTS AND/OR RECOMMENDED CONDITIONS:

No Conditions

BC 2/18/2020

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS THE ABILITY TO SERVE THIS PROJECT.

PLEASE MAKE A COPY FOR YOUR RECORDS.

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

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TO: Fire, Eng., Onsite, Police PID, BCEH, BCAQMD, Fish & Game

FROM: Susan Hartman, Planning Director *SH*

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CONTACT PHONE: (530) 894-5432

RETURN DATE REQUESTED: **February 18, 2020**

DATE DISTRIBUTED: **February 10, 2020**

Town of Paradise
Community Development Dept

FEB 10 2020

RECEIVED

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

X YES

___ YES, WITH CONDITIONS

___ NO (EXPLAIN BELOW)

COMMENTS AND/OR RECOMMENDED CONDITIONS:

Discussed TRAFFIC PLAN w/ DAVE ANDERSON 2/10/2020. PD OKAY w/ PLAN AS PRESENTED. DAVE ANDERSON + PD WILL EVALUATE PLAN ONCE PRODUCTION BEGINS + IF NEEDED ADJUSTMENTS WILL BE MADE.

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS THE ABILITY TO SERVE THIS PROJECT.

PLEASE MAKE A COPY FOR YOUR RECORDS.

Eric Reinbold
Chief of Police

Received

Feb. 10th

2020

Hartman, Susan

From: Messina, John@CALFIRE <john.messina@fire.ca.gov>
Sent: Monday, February 10, 2020 3:51 PM
To: Hartman, Susan
Subject: Re: Revised Log Storage Yard - Skyway

Looks pretty good to me!

John Messina

Assistant Chief - North Division
Butte County Fire/Town of Paradise Fire
CALFIRE - BTU
Cell# 530 329-9891
Office# 530 538-7111

Town of Paradise
Community Development Dept

FEB 10 2020

RECEIVED

From: Hartman, Susan <shartman@townofparadise.com>
Sent: Monday, February 10, 2020 8:34 AM
To: Messina, John@CALFIRE <john.messina@fire.ca.gov>
Subject: Revised Log Storage Yard - Skyway

Warning: this message is from an external user and should be treated with caution.
Chief,

Attached is the revised and resubmitted application for the temporary log storage yard on lower Skyway for Dave Anderson. The first attachment contains the detailed project description, reclamation plan, fire prevention plan, and revised site plan. The second attachment is the biological report, if you're interested.



Susan Hartman
Community Development Director
Town of Paradise
(530) 872-6291 ext. 114
shartman@townofparadise.com



Town of Paradise

PARADISE FIRE & RESCUE

767 Birch Street, Paradise, CA 95969
www.townofparadise.com
(530) 872-6264



Development Review

Project Name: Anderson Brothers Corp. Temp Use Permit

Location: Due South of 4716-4724 Skyway, Paradise

APN: 051-230-047-000, 051-230-054-000, 051-230-055-000, 051-240-011-000 & 051-240-012-000

Applicant: Anderson Brothers Corp. [Applicant & Owner]

Project No. PL19-00383

Date of Plan Review: January 9, 2020

Review conducted by: Chris Rainey, Fire Prevention Inspector

The scope of project: Proposed temporary (9-10 months) "Log Storage & Processing Yard" land use on community commercial, agricultural residential, and rural residential zoned properties. The site is to be served with temporary portable restrooms, etc.

Development review was performed and the following comments were generated:

General:

1. Obtain a Wood Products permit from Town of Paradise Fire Prevention Department.
2. Fire flow from a water source must be within a maximum of 400' by an approved path of travel. The proposed site is beyond the distance of any street hydrants and to continue would require the installation of additional on site hydrants or other approved type of water supply.
3. Cold decks, logs only, shall not exceed 500 feet in length, 300 feet in width and 20 feet in height. Cold decks shall be separated from adjacent cold decks or other exposures, including vegetation, by not less than 100 feet.
4. Where storage pile configurations could change because of changes in product operations and processing, the access plan shall be submitted for approval when required by the fire code official.
5. Portable fire extinguishers with a minimum rating of 4-A:60-B:C shall be provided on all vehicles and equipment operating on piles and at all processing equipment.
6. All piles must be 100 feet from vegetation.

Storage and Processing of Wood Chips:

1. Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned before transferring wood products to the site.
2. Piles shall not exceed 25 feet in height, 150 feet in width and 250 feet in length.
3. Piles shall be separated from adjacent piles by approved fire apparatus access roads with a minimum unobstructed width of twenty (20) feet wide and a minimum 13'6" vertical clearance.
4. All piles must be 100 feet from vegetation.
5. Static piles shall be monitored by an approved means to measure temperatures within the static piles. Internal pile temperatures shall be monitored and recorded weekly. Such records shall be maintained. An operational plan indicating procedures and schedules for the inspection, monitoring and restricting of excessive internal temperatures in static piles shall be submitted to the fire code official for review and approval.
6. Portable fire extinguishers with a minimum rating of 4-A:60-B:C shall be provided on all vehicles and equipment operating on piles and at all processing equipment.
7. Approved material handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.
8. The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the fire code official for review and approval.

Thank you,
Chris Rainey
Fire Prevention Inspector
Town of Paradise
530-872-6291 x304

629 Entler Avenue, Suite 15
Chico, CA 95928

(530) 332-9400
(530) 332-9417 Fax



W. JAMES WAGONER
Air Pollution Control Officer

STEPHEN ERTLE
Assistant Air Pollution Control Officer

January 6, 2020

Susan Hartman, Planning Director
Town of Paradise
5555 Skyway
Paradise, CA 95969

Town of Paradise
Community Development Dept

JAN 06 2020

RECEIVED

Re: Development Review Request: Project Number PL19-00383

Dear Ms. Hartman,

The Butte County Air Quality Management District (District) appreciates the opportunity to comment on the Development Review Request for the project listed above. Based on the information reviewed, the District has the following comments:

1. The proposed project would be subject to District Rule 205—Fugitive Dust Emissions. Requirements include implementing dust control mitigations for operations and active/inactive work areas to prevent visible dust from being airborne off property and implementing track-out control.
2. Portable equipment and engines (rated at 50 HP or greater) may operate at the location for up to 12 consecutive months or seasonally not to exceed 3 months in each of two consecutive years. Authorization may be by registration in the State Portable Equipment Registration Program (PERP) or the local District portable program or, if under the Emergency Declaration, by filing a Form 40 with the State PERP. Operation beyond 12 months and stationary sources require an air quality permit from the District.
3. We understand there will be no burning of vegetative wastes at the site. Any waste burning is subject to the conditions of the CalEPA letter dated November 26, 2019.

If you have any questions or comments, please contact the District at (530) 332-9400.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Mandly", written over a faint circular stamp.

Jason Mandly
Senior Air Quality Planner

From: [Mr. Clay](#)
To: [Hartman, Susan](#); [Bolin, Greg](#)
Cc: [Hartman, Susan](#); [Volenski, Dina](#); [Farm No 268 Tract No 453](#)
Subject: Proposed Log Site
Date: Sunday, March 15, 2020 8:49:02 PM

Greetings Ms. Hartman and Ms. Volenski,

I am writing in reference to the proposed temporary logging storage and processing yard on Butte County parcels numbers 051-230-047, 054, 055, 051-240-011 and 012 within the town of Paradise. I understand the need for a speedy recovery but not at the expense of others, I expect that the neighbors and the environment will given the utmost respect and consideration under this “emergency”, especially considering there are standing homes with people living in them completely surrounding the location. I expect the Town council and the Planning commission will adhere to the 12/31/20 expiration of the temporary permit. Under no circumstances should the permit be extended or zoning of the property be changed from Residential.

Thank you for your time and consideration,

Clay Carter
530-624-3747
Blue Oaks Terrace resident
127 Tuscan Dr
Paradise, CA

From: [Cheryl Robbins](#)
To: [Volenski, Dina](#); [Hartman, Susan](#); [Bolin, Greg](#); [Zuccolillo, Mike](#)
Subject: RE: Planning Meeting Cancelled
Date: Tuesday, March 17, 2020 5:22:17 PM
Attachments: [Fire Hazards Wood Processing.pdf](#)
[Health Issues, Wood Dust.pdf](#)
[Residential Proximity RX.pdf](#)
[wood toxicity to lungs.pdf](#)

I understand that the meeting on March 17th was cancelled so I'm sending some of the information I was going to present at that meeting. Please distribute this information among all the council members so that it can be discussed when the meeting is re-scheduled.

I'm still VERY concerned about the fire hazards and health issues for those of us within the two mile radius of the proposed wood / log processing operation at Neal and Skyway.

Fire is a real hazard in wood processing operations, so much so that insurance companies consider coverage of such a very it high risk category. OSHA has created a combustibility index in this regard as well.

Hydraulic fluids are a common hazard in pretty much all sawmills, where they are typically used in the cutting, handling, and conveying systems. It is not unusual for a mill to have in excess of 100 pieces of hydraulically operated equipment. Hydraulic reservoirs for this equipment can range from 25-1000 gallons, or more, but are most typically in the range of 100-500 gallons.

If ignited, a hydraulic leak under pressure can literally become a large blow torch with no effective means of fire protection possible. To counter this, the solution is to provide an automatic shutoff for all hydraulic equipment. This can be accomplished by providing heat detection with an interlock to shutoff and depressurize the hydraulic unit on heat detector activation. It is also obvious that sprinkler protection should be installed for any and all areas where hydraulic equipment is located.

While fire is a clear and obvious concern, a less obvious, but potentially more catastrophic concern is a dust explosion. Sawdust is created throughout the milling process, and is handled and moved away from points where it is created, to points where it is stored and collected. This is typically accomplished through the use of drag chains, conveyors, pneumatic handling systems, baghouses, cyclone collectors, etc.

Read more from OSHA here: <https://www.osha.gov/dsg/combustibledust/index.html>

There is peer reviewed evidence for numerous health hazards of this kind of operation when it is situated close to living spaces. Studies have indicated that such operations should not be located within 2 miles of residences. Some of the risks are from the heavy metals aerosolized during the use of saws. Other risks are the actual species of trees contained in the sawdust, posing a severe stressor to those with asthma. Most woods are a nasopharyngeal irritant and causing alvelolitis as well as hypersensitivity pneumonitis, two serious lung conditions to which our citizens should not be exposed. I've included a wood species guide which lists the most offensive types of sawdust. In addition, some species are capable of causing respiratory cancers when humans are exposed to the constituents in the air. There are extremely stringent methods outlined by OSHA guidelines including sophisticated suction machines to prevent particles from escaping into the air. There is no evidence that wetting the air around the site

will stop aerosolization of particles.

Thank you in advance for reviewing the attached reference files and documented studies for the issues I have mentioned as these were what I was going to bring to the discussion that was cancelled.

Cheryl Robbins

(530) 990-8645

September 2017: Property Loss Prevention Measures at Sawmills

This article will be limited to sawmills which receive raw logs, cut the logs producing green lumber, kiln dry the stuck lumber, and plane and dress the dry lumber to specified dimensions. Many of the hazards associated with sawmill operations are also found in allied woodworking industries including; plywood mfg., oriented strand board mfg., wood pellet mfg., furniture making and further processing of wood products, etc.

Sawmills typically come in two flavors, hardwood and softwood processing. Although there are some inherent differences between the two, they will not generally be of concern with respect to fire and explosion hazards discussed herein.

Operations

Sawmills receive green logs by truck nearly continuously throughout their operational day. These logs are stacked to form a log deck, which may cover several acres in area, with logs stacked 10 ft. high or more.

From the log deck, raw logs are pulled and automatically checked for inclusion of metals (spikes, nails, or similar) which could damage mill equipment, and sent to the ring de-barker, electronically measured, and then sent on to the sawmill. In the mill the de-barked log is trimmed and cut by a series of saws which are computer controlled to optimize the board ft. of lumber produced from each individual log. Often saws and milling equipment are on elevated platforms connected by conveyors and similar handling equipment.

The cut green lumber is sent to a sorter/stacker where like boards are sorted into bins. The like boards in each bin are stacked together with small wooden between each layer of boards allowing air to circulate around the lumber. Lumber is then placed into a steam heated drying kiln where it resides until the moisture content is reduced to the desired range.

The dry lumber then goes to the Planing Mill where it is surface and edge planed and cut to final dimensions. The dry lumber is stacked, banded, and shipped to the customer.

Hazards and Protection

The most obvious hazard associated with this process is fire. If a structure or a process handles or stores wood or sawdust products, complete sprinkler protection is indicated.

While green logs stored in a log deck can and will burn, they are generally not a major fire hazard, and it is not possible to install fire sprinkler protection above a log deck, or many other outdoor structures associated with a mill. Good practices here are to provide fire hydrants on 200 - 300 ft. spacing around the log deck, and to maintain well defined aisles for vehicle access within the log deck areas. This will allow for manual firefighting and ready access to all areas of the log deck. The provision of fire hydrants should also be extended throughout all areas of the mill yard to permit ready access for manual firefighting.

Hydraulic fluids are a common hazard in pretty much all sawmills, where they are typically used in the cutting, handling, and conveying systems. It is not unusual for a mill to have in excess of 100 pieces of hydraulically operated equipment. Hydraulic reservoirs for this equipment can range from 25-1000 gallons, or more, but are most typically in the range of 100-500 gallons.

If ignited, a hydraulic leak under pressure can literally become a large blow torch with no effective means of fire protection possible. To counter this, the solution is to provide an automatic shutoff for all hydraulic equipment. This can be accomplished by providing heat detection with an interlock to shutoff and depressurize the hydraulic unit on heat detector activation. It is also obvious that sprinkler protection should be installed for any and all areas where hydraulic equipment is located.

While fire is a clear and obvious concern, a less obvious, but potentially more catastrophic concern is a dust explosion. Sawdust is created throughout the milling process, and is handled and moved away from points where it is created, to

points where it is stored and collected. This is typically accomplished through the use of drag chains, conveyors, pneumatic handling systems, baghouses, cyclone collectors, etc.

Sawdust in and of itself is not explosive, but when it is dispersed as a cloud within the air, it can become devastatingly explosive. The air suspension of sawdust is an inherent condition in much of the dust handling systems such as baghouses, cyclone collectors and pneumatic ductwork, and thus this equipment is often inherently prone to dust explosion. There are two conditions which are very significant in the potential for ignition and the energy output of a dust explosion: these are dust particle size, and dust moisture content. In both cases, less is more, i.e. the smaller the particle size, the less energy is required to ignite and the more explosive force will be generated if ignited. The same is true for % moisture content with dusts having less moisture content are more susceptible to ignition and having higher explosive forces generated. Thus the highest dust hazards in most plants are found at the planer mill building and associated equipment where kiln dried lumber is handled.

The most accurate way to determine volatility of particular sawdust products is to perform testing through a qualified 3rd party testing laboratory.

There are many ways to reduce or eliminate dust explosion hazard potentials. These can include high speed spark detection and water spray. These systems can detect a spark and provide quenching waterspray within milliseconds prior to the spark entering a zone where an explosive dust concentration is present. Explosion suppression systems can also detect a spark and release chemical agents that will terminate an incipient explosion within a piece of equipment where an explosive dust concentration is present. Abort gates and venting systems are also important and can reduce explosive pressures before that can damage equipment.

Housekeeping is probably the number one issue and safety factor within sawmills. Good housekeeping practices equate to greatly reduced risk of fire or explosion. The most common housekeeping issue is sawdust which escapes the equipment. The presence of sawdust throughout a building, particularly on structural elements such as beams or girders can result in devastating explosions. A common occurrence is for a small initial explosion to occur within a localized piece of equipment, this minor shock is then strong enough to shake the building thus releasing a great deal more dust into an air suspension. This much larger amount of dust now in suspension can allow for a very large secondary explosion involving the entire building. Thus housekeeping, particularly for elevated surfaces, is critical. Never use compressed air to blow down dusts, as this creates the hazard itself. An explosion proof vacuum system should be used instead.

Although sawdust in the green mill areas are less of a concern from an explosion standpoint, they are very much a concern from a fire standpoint. Over time dust will settle onto building structural members where they will dry and harden causing the building structure to become a combustible fire hazard. This provides an avenue for very rapid firespread and development where even sprinkler protection may be ineffective.

Wherever possible buildings should be designed to eliminate horizontal surfaces (beams, girders, cable trays, conduits, electrical panels etc.) where dust may collect. This can be done by boxing beams and girders, and providing smooth ceilings. With pneumatic dust handling equipment, the preference is to design equipment to operate under negative pressure (vacuum) such that any leakage will not cause dispersion of dust into an area. Where dusts do collect, cleaning practices should keep dust deposits to less than 1/16 in. on any and all surfaces. In older and less well designed plants this may mean continuous cleaning throughout the operating shift.

Another housekeeping concern at sawmills is hydraulic oil leakage. With a great number of hydraulically operated equipment there are bound to be leaks. If left unattended these often result in several inch deep pools of hydraulic oil caught in the drip pans, which typically are fitted below hydraulic equipment. A strong program of inspection, maintenance, and cleaning is required to keep ahead of this issue.

There are many other hazards associated with sawmill operations, however the ones above are of primary concern.

Risk Logic is very experienced in the Property Loss Prevention measures at a Sawmill facility. Please reach out to us if you have any questions

ADDITIONAL READING RESOURCES

OSHA Combustible Dust website: <https://www.osha.gov/dsg/combustibledust/index.html>

FM Data Sheet 7-76 - Prevention and Mitigation of Combustible Dust Explosions and Fire
 NFPA 654 - Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible
 Particulate Solids
 NFPA 664 - Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
 NFPA 499 - Classification of Combustible Dust
 NFPA 68 - Deflagration Venting Systems
 NFPA 69 - Explosion Prevention Systems
 NFPA 91 - Exhaust Systems

Creation of Wood Dust during Wood Processing: Size Analysis, Dust Separation, and Occupational Health

Eva Mračková,^a Ľuboš Krišťák,^b Martin Kučerka,^c Milan Gaff,^{d,*} and Milada Gajtanská^b

Mechanical separators and fabric filters are being used to remove airborne fine particles generated during the processing and handling of wood. Such particles might have a harmful effect on employee health, not only in small-but also in large-scale wood processing facilities. The amount of wood dust and its dispersion conditions vary according to geometric boundary conditions. Thus, the dispersion conditions could be changed by changing the linear size of the particles. Moreover, the smaller the particles are, the more harmful they can be. It is necessary to become familiar with properties, from a health point of view, of wood dust generated from processing. Wood dust has to be sucked away from the processing area. The fractional separation efficiency of wood dust can be improved using exhaust and filtering devices. Filtration efficiency depends on moisture content, particle size, and device performance. Because of the carcinogenicity of wood dust, the concentration of wood dust in air has to be monitored regularly. Based on the results hereof, a conclusion can be made that both mechanical separators of types SEA and SEB as well as the fabric filters with FINET PES 1 textile are suitable for the separation of wet saw dust from all types of wooden waste produced within the process.

Keywords: Wood dust; Job performance; Employee health; Wood dust carcinogenicity; Fractions of wood dust

Contact information: a: Department of Fire Protection, Technical University in Zvolen, T. G. Masaryka 24, Zvolen, 96053, Slovakia; b: Department of Physics, Electrical Engineering, and Applied Mechanics, Technical University in Zvolen, T. G. Masaryka 24, Zvolen, 96053, Slovakia; c: Department of Technology, Faculty of Natural Sciences, Matej Bel University in Banská Bystrica 97401, Slovakia; d: Department of Wood Processing, Czech University of Life Sciences in Prague, Kamýcká 1176, Praha 6 - Suchbát, 16521, Czech Republic; *Corresponding author: gaffmilan@gmail.com

INTRODUCTION

Wood dust represents one of the dangers of processing wood mass both in small enterprises as well as in large wood processing plants. It is generally understood that the operation and handling of wood generates fine particles that are more hazardous the smaller they become (*i.e.*, when the surface area of the particles is greater relative to volume).

Given that the biological properties, in addition to their physical and chemical properties of substances, have essential characteristics, it is necessary to deal with them especially in terms of their possible adverse impacts on health. Within wood mass processing, when abrading *via* sanding or other processing technologies, it is necessary to have knowledge of the properties of harmful chemical agents generated from wood waste, *i.e.*, the wood dust. In particular, toxicology bases show how to study and handle them to eliminate the properties that are dangerous for employees (Andersen *et al.* 1999; Kauppinen 2000; Liou 2002; Douwes *et al.* 2003; Acheson *et al.* 1968; Pukkala 2009; Kanagesan *et al.* 2013; Gašparík and Gaff 2013a,b) while not decreasing their working

performance, which can be defined as the quantity of work associated with a given period of time (working shift, week, month, year). The more complicated the work is, the longer will be the period connected with the working performance. At the same time, the determination of a suitable measurement unit applicable to working performance is a key factor affecting the results. Each level of working performance depends on two basic parameters, *i.e.*, the employee's personal preconditions and on the technical and organizational conditions in which the working activity takes place. The employee's personal preconditions are determined mainly by his/her qualifications, abilities, health conditions, and motivation. The technical and organizational conditions of work represent the sum of the parameters determining the course of the working process. These include, in particular, workplace equipment (production, organization, and IT equipment), working procedure, type and quality of processed material, type and extent of processed information, quality product or work requirements, organization of the workplace, working regime, and last but not least working environment and safety conditions.

Wood dust, whether generated from hand-made wood processing or at large-scale wood processing plants, should be purged from the working area and disposed of. Since oak-wood and beech-wood dusts were included on the list of health-endangering substances, producers as well as users have made great efforts to minimize it. The result has been the maintenance of wood-dust exhausting regimens conducted by stationary wood-processing devices with the aim of reaching the prescribed permissible maximum total dust concentration of 2 mg/m^3 (Očkajová *et al.* 2014). However, within hand-made production lines, this threshold value is often highly exceeded.

Since 1982, wood dust has belonged to the catalogue of dangerous substances of whose carcinogenic potential there is reasonable suspicion. This substantiation is based on a manifold of epidemiologic studies describing adenocarcinogenicity of the nose and sinuses of employees working in the wood processing industry as a typical occupational carcinogenic disease (Hernberg *et al.* 1983; Brinton *et al.* 1984; Hubbard *et al.* 1996; Andersen *et al.* 1999; Yu and Yuan 2002). Further publications have confirmed that one cannot doubt the risk of cancer from working in close association with certain types of hardwoods. Oak-wood and beech-wood dusts have been unambiguously confirmed to be carcinogenic substances in workplaces (Hadfield 1970; Varsha and David 2006). The following reasons could be considered probable origins of cancer risk:

- chemical content of wood substances;
- pyrolysis products;
- auxiliary substances and protective substances used in wood processing; and
- mechanical irritation of nasal mucous membrane surface.

Grain surfaces can be smooth, rough, soft, hard, or flexible. The inhalation of wood dust may cause allergic symptoms in the respiratory tract mucous membrane. In large amounts, dust acts as an irritant to the eyes, nose, and throat. Significant accumulations of fine particles can result in damage of lung functioning, cause asthma, and be carcinogenic (Nylander and Dement 1993; Ameille 2003). For safety and health protection at work, there are prescribed threshold values for wood dust. The EU Directive (the Council Directive 1999/38/EC on the protection of workers from the risks related to exposure to carcinogens at work and extending it to mutagens) prescribed the limit of 5 mg/m^3 for the inhalation hardwood fractions.

The time-weighted average (TWA) is widely applied in dust analysis. There exist two reference periods for which the limit is valid: the 8-h TWA and the 15-mi short-term

exposure limit (STEL). A substance can be assigned to the occupational exposure limit (OEL) in one or in both reference periods.

In order to demonstrate certain adverse health effects using the 8-hour timely measured average (TWA), longer or accumulated exposure is necessary. The 8-h TWA checks these effects by restricting the total breathing over one or more working shifts.

For the 15-min STEL, certain adverse health effects can occur after a short exposure period. The 15-min STEL can be used to control these effects. Exposure to a substance that has been assigned the maximum exposure limit (MEL) in the 15-min STEL should not exceed that limit. The TWA value is measured or calculated in terms of the reference period of eight hours of the Time Weighted Average on Permissible Exposition Limits (PEL). The standard is prescribed by the Occupational Safety and Health Act-OSHA 3371-08: 2009 Management of Safety and Health Protection at Work in the USA:

- TWA 15 mg/m³ for each wood dust (both softwood and hardwood); and
- TWA 5 mg/m³ for respired wood dust (both softwood and hardwood).

EXPERIMENTAL

Materials

Generally, the dust is crushed and pulverized from the solid substance of any shape, structure, and density. The wood dusts, from physical and chemical standpoints, belongs to the range of colloidal and dispersed systems for which the linear dimension of the particle is the essential characteristic. Dust is understood to consist of particles of a solid substance that have at least two dimensions smaller than 0.5 mm (Bartknecht 1987). Small linear dimensions lead to a significant increase in the surface area relative to the given mass of the entire system. From physical and chemical standpoints, a dust is a dispersed system that arises by means of the continual dispersion of particles within a dispersing environment. If the solid substance is dispersed within the air, then it is defined as an aero-dispersed mixture according to the size of the dispersed particles. The degree of dispersion is determined by the ratio of the surface of all particles, S , to their total volume per the mass unit,

$$d_0 = \frac{S}{V} \quad (1)$$

where d_0 is the degree of dispersion (m⁻¹); S is the surface area of particles (m²); and V is the volume of particles (m³).

The value of the dispersion index depends on the geometrical shape of dust particles. The value of the index grows as the linear size of particles decreases. The growing dispersion index leads to higher occurrence of surface phenomena. The forces from the neighbouring particles affecting the atoms or molecules in the depth of solid or liquid phases are balanced. However, the forces occurring on the surface interface are not balanced (Brázda and Zegzulka 2011). This is related to the surface tension and surface energy needed to enlarge the surface. The surface energy in the system grows with higher dispersion index. More atoms and molecules come into contact with another phase.

Particle size and shape belong among the most important quantities that characterize the particles and determine their degree of separation from the gaseous environment. They affect motion characteristics, which in mechanical and electrical

separating precipitators determine the separation velocities and thus the final degree of separation. The particle size affects the size of the electrical charge that can be transferred by the particle, and thus the separation possibilities are determined at the electrical separating precipitators. At the same time, the diffusion of particles, which plays a significant role during the filtration process, is strongly dependent on the particle size. Also depending on particle size are the optical characteristics that are used for the concentration as well as the particle graininess measurements.

Three essential types of particles can be distinguished:

- isometric particles, in which all three dimensions are mutually comparable;
- laminar (plane) particles, in which two dimensions exceed the third one (lamellas, shavings, chippings);
- fibrillar particles (fibres), in which one dimension is significantly larger than the other two (fibres, needles).

The classification of particle shapes and their marking for the characterization of graininess of loose materials:

- I sharp corners with three similar dimensions (*e.g.*, cube);
- II sharp corners with one dimension significantly greater than the remaining two (*e.g.*, prism, rod);
- III sharp corners with one dimension significantly smaller than the remaining two (*e.g.*, board, blade);
- IV rounded corners with three similar dimensions (*e.g.*, sphere);
- V rounded corners with one dimension significantly greater than the remaining two (*e.g.*, cylinder, rod);
- VI filamentous, curling, segmental.

Methods

Saw Dust Isokinetic Sampling

The sampling took place by means of a gravimetric apparatus of type MU 5 - OT manufactured by ORGREZ Brno, Czech Republic (Fig. 1)

The sampling point is selected in a manner such as to keep an upstream straight section with constant cross section and length equal to 10 times of the piping diameter. Should this condition not be met, lesser accuracy of the result must be expected. The gas flow speed in the piping is measured in the sampling point. The isokinetic probe head diameter is determined in function of this value (v_{\max}).

The sampling of the required amount of saw dust is carried out after the isokinetic probe installation in the air-conditioning piping and after the isokinetics setup.

As the exhaust piping diameters (d) from the frame saws are ranging from 160 to 250 mm, and those from log saws and circular saws from 125 to 280 mm and the circular cross-section area of the exhaust piping from these saws is $S \leq 0.09 \text{ m}^2$, the saw dust sampling is carried out in accordance with STN ISO 9096: by means of a single sampling point located in its plane center.

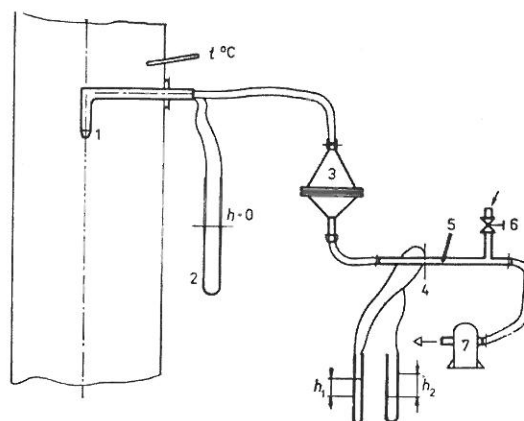


Fig. 1. Gravimetric apparatus for saw dust isokinetic sampling: 1 – input suction nozzle, 2 – differential pressure gauge for the isokinetics setup measurements, 3 – filter, 4 – orifice pressures sensor, 5 – thermometer, 6 – control valve for air supply, 7 – suction source

Determination of saw dust moisture

Gravimetry is the most usual method to determine the wood moisture. This method is based on finding the mass of both as-received and dried wood by means of weighing with an accuracy of 0.01 g. The sample drying time inside the hot-air lab dryer at 103 ± 2 °C depends on the sample amount and grain size. Therefore, the measurement of the loose wooden mass moisture is carried out on a sample of approximately 10 g, spread across the entire scale pan. The test sample reaches its constant mass when the mass change between two weighings carried out through the interval of 2 h, shall not exceed 0.01 g. Once the saw dust reaches the constant mass, it is cooled down in a dessicator with hygroscopic substance to room air temperature. After the cooling, the saw dust is removed from the dessicator and weighed with an accuracy of 0.01 g (Kačík – Solár 1999).

The absolute moisture content is computed from the body mass before and after the drying using Eq. 2,

$$Wa = \frac{m_w - m_0}{m_0} * 100 [\%] \quad (2)$$

where m_w is the wet sample mass [g], and m_0 is the sample mass after the drying [g].

Determination of saw dust grain size by sieving

Sieving of the saw dust on a set of sieves with the following mesh sizes was carried out for the basic granulometric analysis: 2 mm, 1 mm, 0.50 mm, 0.250 mm, 0.125 mm, 0.080 mm, 0.063 mm, and 0.032 mm above a bottom tray, on a Retsch automatic vibration engine model AS 200. The sieving engine AS 200 is suitable for sieving of loose dispersed products, with max. size of 25 mm, both wet and dry.

The procedure for the determination of powder fraction content in the saw dust (Methodologic procedure IM-AS 200) is as follows.

1. Each sieve and the bottom tray for the analysis are cleaned and weighed on lab scales with weighing accuracy of 0.01 g; the masses are recorded in a table.
2. The set of sieves ordered from the biggest mesh size to the smallest one, followed by the bottom tray, are placed on the sieving vibration machine AS 200.

3. A sample (50 g approx.) is weighed on the lab scales with weighing accuracy of 0.01 g. This sample is put on the uppermost sieve of the sieving machine.
4. The set of sieves is enclosed inside a glass lid. After the lid is screwed by the mean of tightening bolts, the sample is sieved during $\tau = 15$ min.
5. When the sieving is over, the individual sieves with the saw dust fractions thereon are weighed, and the results are recorded in the table.
6. The difference between sieve mass after sieving and sieve mass before the sieving is equal to the saw dust fraction mass.
7. The sieve analysis can be deemed correct if the fractions total mass vs. sample mass is ranging between 0.98 and 1.00.

Optical analysis of powder fraction with size under 125 μm

In order to quantify the shape and dimensions of the smallest particles of the fine fraction, microscopic analysis of the saw dust grains smaller than 125 μm was carried out. An optical method was used for this analysis, investigating the image obtained on a Nikon Optiphot – 2 microscope with Nikon 4x objective lens. The saw dust grains were recorded with a 3-chip Hitachi HV-C20 (RGB 752 x 582 pixels) CCD TV camera and with horizontal resolution 700 TV lines. This was evaluated by the mean of LUCIA-G 4.0 (Laboratory Universal Computer Image Analysis) software program installed on a PC.

The image analysis application LUCIA-G allows the identification of the individual particles of loose wooden mass and the quantification, among others, of such basic information for the individual particles within the analyzed image as follows: particles length, width, and circularity. The circularity expresses the degree of deviation of the projection of the grain shape from the circular shape according to the following formula,

$$\psi = \frac{4\pi S}{O^2} [-] \quad (3)$$

where S is the particle area [m^2], and O is the particle perimeter [m].

The procedure for observation of fraction with sizes under 125 μm was as follows:

1. A sample was taken from the saw dust to be analyzed.
2. The sample was placed on a watch glass and, together with black paper in order to obtain dark background, then placed under a Mitsubishi CCD 100 E camera.
3. Using the PC and LUCIA application, saw dust images with 30-fold magnification were created.

RESULTS AND DISCUSSION

Wood sawing and sand abrading operations, besides forming the main products also generate sawdust and wood dust; the shape, dimension, and amount dust produced is dependent on both the physical and chemical characteristics of the sawed and abraded wood as well as on shape, dimension, sharpness of cutting tools, and the technological conditions of sawing and sand abrading operations (Heisel and Weiss 1995; Očkajová and Banský 2013; Očkajová *et al.* 2014;). These by-products (sawdust and wood dust) can have adverse effects on human health when they are not sufficiently trapped by exhausting and filtration equipment.

The next part of the article deals with the results of measurements of the amount of fractioned loose wood substances generated during the wood sawing and the sand abrading processes. The authors first dealt with the sawing operation of soaked wood, which is considered a type of first-step processing for this raw material. The second phase was focused on the analysis of the sawing and sand abrading processes of dried wood, which is considered a type of second-step wood processing. The subjects of the studies were the sizes of the particles of sawdust and wood dust, their concentrations, and the efficiency of the exhausting equipment in trapping the dust.

Measurements of the Amount of Fractioned Loose Wood Substances from Wood Sawing and Sanding Abrading Processes

In the wood processing industry, the standard way to transport sawdust from sawing equipment is by using air-ducts, *i.e.*, exhausting. The separation of the exhausted sawdust from the air in which it is transported is carried out using one-chamber separators (sawdust collectors), group separators, and fabric filters. These separating technologies differ one from one another by installation construction, separation principles, as well as by the ratio of exhausted, separated sawdust to the transporting air (Zhao *et al.* 1999; Dolny and Rogoziński 2014).

One of the ways that the optimal separating technology was determined was according to Separation Limit (SL) of the separation apparatus, *i.e.*, the size of the smallest particle a_{\min} of the sawdust that can be separated in the separating apparatus. The range below a_{\min} is then defined as being below the separation limit.

Figure 3 shows the curves of the residues of the wet sawdust of the species of spruce (*Picea abies*), pine (*Pinus montana*), beech (*Fagus sylvatica*), and oak (*Quercus robur*) when transported through the air ducts from frame saws (FS), log band saws (LBS), and log circular saws (LCS), and their comparison with the Separation Limit in the curves of fractional separation by mechanical wood dust collectors of the SEA type with T3/1000 segments, collectors of the SEB type with T4/630 segments, and fabric filters with filtration textile FINET PES 1 that are commonly used in wood processing.

In Diagram No. 3, the exhaust efficiency is 100%, since the residual curves are not crossing each other. Thus no particles, which could not be exhausted by the given filtration equipment, are generated in the case of wet saw dust. Everything should be correct for the wet saw dust and nothing should escape to the air and increase the dust level.

Based on the results displayed in Fig. 4, it could be stated that the mechanical dust collectors of the SEA and SEB types, as well as fabric filters with the filtration textile FINET PES 1, are all suitable for the separation of wet sawdust. The mechanical dust collectors SEB with T4/630 segments with the Separation Limit $SL = 12 \mu\text{m}$ and mechanical dust collectors SEA with T3/1000 segments with the Separation Limit $SL = 40 \mu\text{m}$, that is, the lower limit of sawdust graininess generated by the sawing of wet wood using rip circular saws (RCS), were found to best comply with the BAT (Best Available Techniques) criteria.

The fabric filters with the filtration textile FINET PES 1 captured sawdust with 100% efficiency, but they are too expensive in terms of the purchasing and operational costs (textile exchange after 12000 operational hours approximately) for air duct transporting systems.

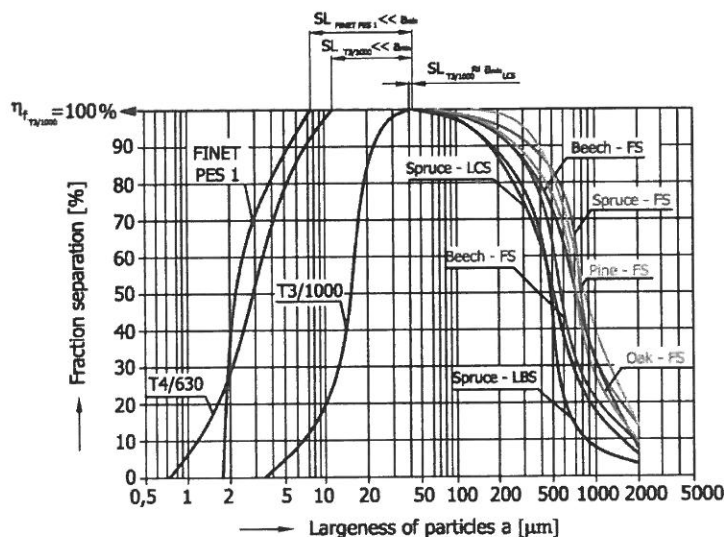


Fig. 2. Comparison of curves of wet sawdust residue from several sawing operations with curves of fractional separation

Similar graphical analyses were carried out to examine the curves of dry sawdust residue transported through air ducts from sawing operations employing the SL, the curves of fractional separation by mechanical wood dust collectors of the SEA type with T3/1000 segments, by mechanical wood dust collectors of the SEB type with T4/630 segments, and by fabric filters with filtration textile FINET PES 1, as shown in Fig. 3. Based on the results, it could be stated that as far as the transportation of dry sawdust from dimension timber workplaces through closed air-duct exhausting systems, the fabric filter that employed the filtration textile FINET PES 1 best complied with the BAT criteria.

The mechanical dust collectors of the SEA type only displayed 97% efficiency when separating the dry spruce sawdust. The efficiency of the SEB-type Mechanical dust collectors approached 100%, but as the grinding machines (sanders) producing the wood dust were usually connected to the air duct system, the concentration of dust fractions of loose wood substances in the recirculation air was higher than the permissible dust content in the recirculation to $TZL \leq 1 \text{ mg} \cdot \text{m}^{-3}$.

From the environmental assessment of dry sawdust exhausting during sawing operations at several facilities in the wood processing industry, it was established that air duct systems of subatmospheric pressure and which contain collectors with a Separation Limit $MO \leq 20 \text{ } \mu\text{m}$ were suitable for open air duct exhausting systems, and in fact represented the optimal technical solution as far as fulfilling BAT criteria. The mechanical dust collectors with T4/630 segments and fabric filters with the filtration textile FINET PES1 met this mentioned criterion.

As shown in Fig. 4, if the residual curve crosses the curve of the given filtering equipment, for example, at 97%, as in this case, then 3% of the particles will escape to the atmosphere; this is the dust that the present article is mainly concerned about. Mostly, these particles escape to the atmosphere during the grinding of dry wood. The difference between the two diagrams is the following: nothing escapes in case of Diagram 3, i.e., the given filtering equipment is able to exhaust even the smallest particles, while in case of Diagram 4 for dry saw dust, the 3% escape to the atmosphere.

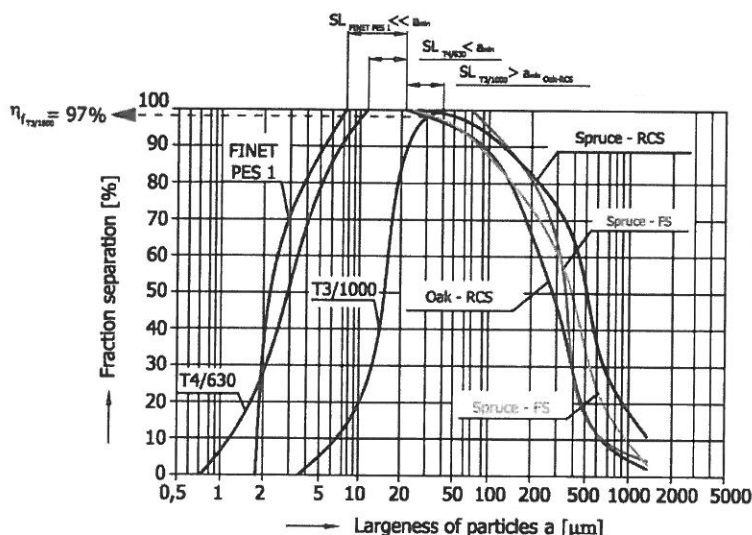


Fig. 3. Comparison of curves of dry sawdust residue from several sawing operations with curves of fractional separation

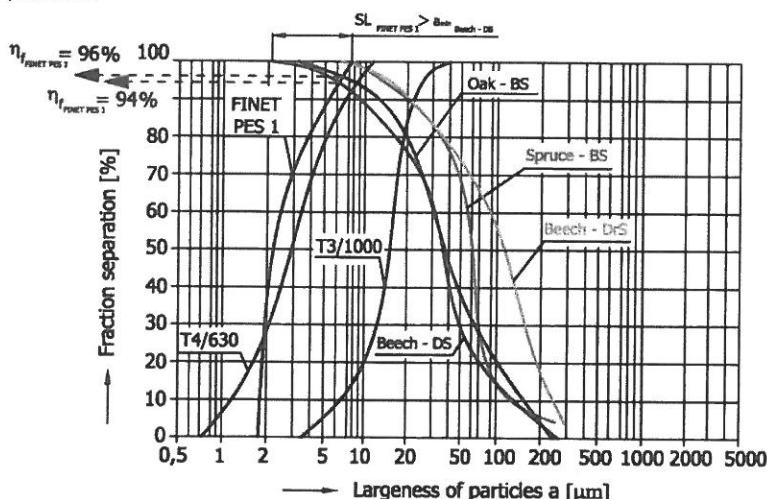


Fig. 4. Comparison of curves of wood grinding dust residues from several grinding operations with curves of fractional separation

Sanders are usually connected to the air duct systems that exhaust dust from workspaces handling dry wood material. Upon grinding the wood, waste in the form of wood dust is generated, where 98% of the volume of this waste represents particles smaller than 0.5 mm. When removal of dust is insufficient, the dust spreads freely through its environment. High dust concentrations in ambient air can cause serious health problems.

Figure 4 shows the curves corresponding to the wood grinding dust residue generated during the grinding of selected tree species (spruce, oak, and beech) by belt sanders (BS), drum sanders (DrS), and disc sanders (DS) and provides a comparison thereof with curves describing fractional separation by mechanical dust collectors of the SEA type with T3/1000 segments, dust collectors of the SEB type with T4/630 segments, and fabric filters with the filtration textile FINET PES 1.

Based on Fig. 4, it was possible to state that neither mechanical dust collectors of the SEA and SEB types nor fabric filters with filtration textile FINET PES 1 were able to separate the finest particles from grinding operations with 100% efficiency. Of the tested mechanical collectors of the SEA and SEB types and the fabric filters with filtration textile FINET PES 1, the most effective equipment was the fabric filters with filtration textile FINET PES 1, which were able to filtrate oak wood dust at 96% efficiency and beech wood dust at 94% efficiency. In the case of the mechanical dust collectors of the SEA and SEB types, the separation values for the grinding operations were even lower.

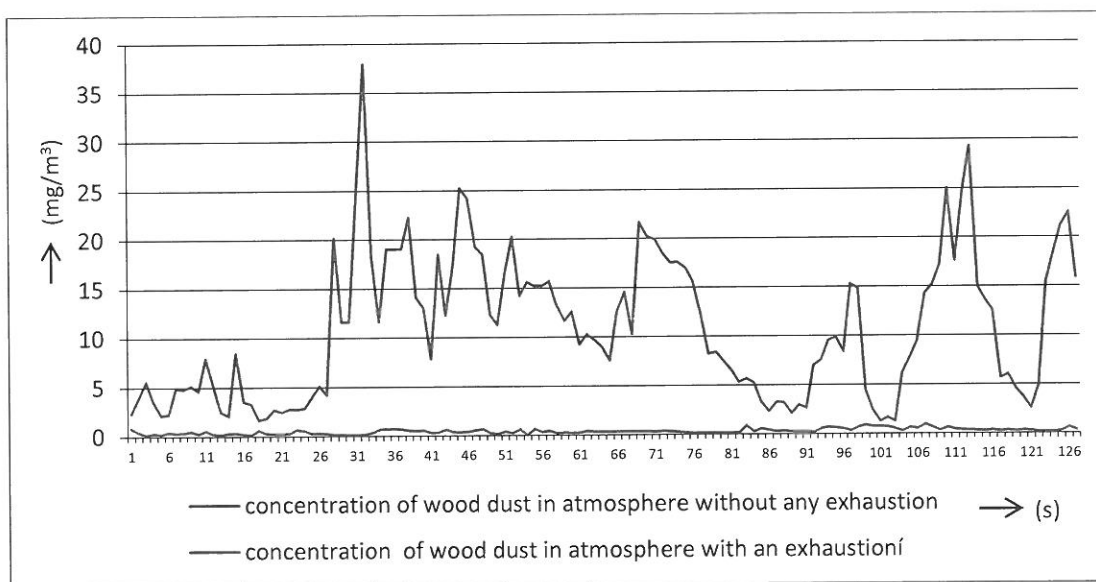


Fig. 5. Comparison of concentration levels of wood dust in atmosphere with exhaust and without exhaust (mg/m^3)

Figure 5 shows the measured concentrations of wood dust particles in an ambient atmosphere without exhausting compared to those with exhausting; both were measured using the MicrodustPro, which is a portable device with a monitor designed to evaluate dust aerosol concentrations.

Based on the measured values, the concentration of wood dust particles in the atmosphere of workplace areas without exhaust reached $38 \text{ mg}/\text{m}^3$, while those with exhaust decreased to $1 \text{ mg}/\text{m}^3$. The Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 was implemented by the Regulation of the Government of the Slovak republic No. 393/2006 Coll. on minimal requirements for securing safety and health protection at work in explosive atmospheres. This regulation required that wood processing machines be equipped with individual exhaust devices. Despite the nationwide Slovak trend of the general and sustained increase in oncologic diseases, as Fig. 6 shows, Slovakia has experienced a rapid decrease in the occurrence of nasopharynx carcinomas among men and women employed at work in processing factories (100,000 workers altogether). Because of the mentioned governmental regulation and its application in practice, principal changes, in terms of the occurrence of nasopharynx carcinoma, to the health status of employees of the wood processing industry in Slovakia have taken place.

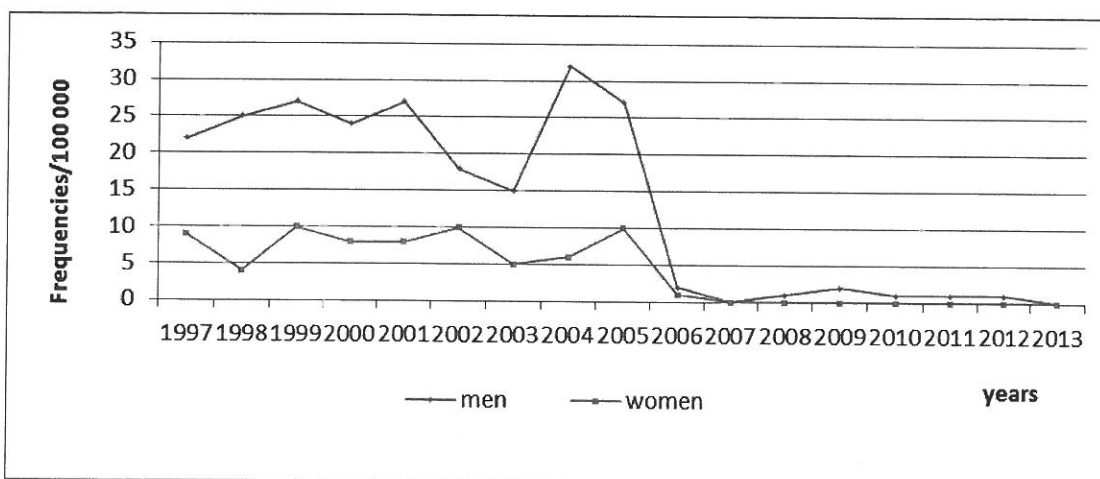


Fig. 6. Frequencies of occurrence of nasopharynx carcinomas among men and women in Slovakia

CONCLUSIONS

1. Wood processing, in the present case specifically the processing of the wood mass of spruce (*Picea abies*), pine (*Pinus montana*), beech (*Fagus sylvatica*), and oak (*Quercus robur*), was the subject of this work. These mentioned materials were subjected to sawing using the frame saw, the log band saw, and the log circular saw in technological operations, while waste in the form of wood sawdust as well was generated by means of abrasion by sanding at belt sanders, at drum sanders, and at disc sanders.
2. From the results of the study, it could be said that both mechanical wood dust collectors of the SEA and SEB types as well as fabric filters with the filtration textile FINET PES 1 were suitable to perform the separation of wet sawdust from other types of wood-waste generated during processing. Among the closed air-duct exhausting systems intended to expel dry sawdust from dimension timber production, the fabric filters with the filtration textile FINET PES 1 complied best with the BAT criteria. As far as dealing with the residues of wood grinding dust, the fabric filter with the filtration textile FINET PES 1 seems to have been the most effective, as it was able to filtrate oak wood dust with 96% efficiency and beech wood dust with 94% efficiency. As for the mechanical wood dust collectors of the SEA and SEB types, the separation values for the abrading operations were even lower. There are other types of filtrating equipment (e.g., electrical filters) available on the market that are able to absorb wood dust with higher efficiency than the tested fabric filters, but their costs are significantly higher, and thus these filters are used only rarely. Based on previous results, it could be stated that increased wood dust concentration in the air can be generated, especially during wood abrading, where the separation efficiency is not 100%. While wood dust concentration in the workplace atmosphere without exhausting reached 38 mg/m^3 , that for the atmosphere with exhausting was 1 mg/m^3 . This verified the exhausting efficiency of fractional separation technology and its effect on decreasing the wood dust concentration in the workplace atmosphere for employees in the wood processing industry.

3. The European Union Directive for safety and health protection stipulates a marginal value for wood dust at 5 mg/m^3 , and the OSHA Regulation (OSHA 3371-08:2009). Management of safety and health protection at work in the USA also stipulates 5 mg/m^3 for aspirated wood dust (hard as well as the soft dust). From the results referred to in the paper, these values were regulated using wood dust exhausting. At correct fractional separation of wood dust, the health damage due to the fact that employees do not inhale substances with mutagenic effects.
4. To maintain long-term working performance of employees, it is necessary to fulfil several criteria. From an organizational standpoint, this constitutes the maintenance of the supply of sufficient working material, quality technology, and machinery operation without malfunction. From the management standpoint, it is necessary to secure equitable evaluation of work and sufficient motivation aimed at maintaining performance. However, last but not least, it is necessary to promote the well-being of workers in the workplace, which depends on factors besides the quality of the working environment. The future health status of employees depends on the quality of care devoted to the working environment (in this case, an investigation into fractional dust collection). Based on the conclusions herein, it could be expected that a rapid decrease in the concentration of wood dust in the workplace air would take place, thus minimizing the inhalation of carcinogens and decreasing the occurrence of nasopharynx tumors. If the regulations concerning safety and health protection at work are consistently met, by means of the use of quality and high-performance exhausting equipment and prescribed work breaks for rest, it should be possible to maximally eliminate the risk of unwanted carcinogenicity in the air which wood dust introduces.

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Exposure assessment of residents living near a wood treatment plant[☆]

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Abstract

We report the results of environmental sampling and modeling in a neighborhood adjacent to a wood processing plant. This plant used creosote and pentachlorophenol (PCP) to treat wood for over 70 years. Between 1999 and 2001, environmental samples were obtained to quantify the level of environmental contamination from the wood processing plant. Blood from 10 residents was measured for chlorinated dioxins and dibenzofurans. Soil sediment samples from drainage ditches and attic/dust samples from nearby residents' homes were tested for polychlorinated dioxins, furans, and polycyclic aromatic hydrocarbons (PAH). The dioxin congeners analysis of the 10 residents revealed elevated values for octachlorodibenzo-*p*-dioxin and heptachlorodibenzo-*p*-dioxin compatible with PCP as the source. The levels of carcinogenic PAHs were higher than background levels and were similar to soil contamination on wood preserving sites. Wipe sampling in the kitchens of 11 homes revealed that 20 of the 33 samples were positive for octachlorinated dioxins with a mean value of 10.27 ng/m². The soil, ditch samples, and positive wipe samples from the homes indicate a possible ongoing route of exposure to the contaminants in the homes of these residents. Modeled air exposure estimated for the wood processing waste chemicals indicate some air exposure to combustion products. The estimated air levels for benzo(*a*)pyrene and tetrachlorodibenzodioxin in this neighborhood exceeded the recommended levels for these compounds in some states. The quantitative data presented suggest a significant contamination of a neighborhood by wood processing waste chemicals. These findings suggest the need for more stringent regulations on waste discharges from wood treatment plants.

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Keywords: Creosote; Wood processing waste; Pentachlorophenol (PCP); Environmental pollution; Contamination

1. Introduction

Industrial sites, which may produce environmental pollution, can result in adverse effects in nearby residents (NIOSH, 1977). In this paper we present results of measurements of wood processing waste (WPW) chemical contaminants adjacent to a wood treatment plant including biomonitoring results from blood polychlorinated dioxins and furans. In a companion paper we report the results of a health study of this population. Residents in a small southern town filed a

lawsuit against the wood treatment plant because of concerns about the effects of the contamination. These nearby neighbors complained that a strong odor of creosote was associated with the occurrence of symptoms including skin itch, headache, eye burning, sore throat, nausea, cough, and chest tightness. In addition, they reported oily ditch water and visible airborne particulates emanating from the wood treatment plant. On numerous occasions there were releases of oily, black specks that damaged automobile paint, requiring repainting. The wood treatment plant paid the repainting expense. Several drainage ditches flowed from the factory into the neighborhood. The company discharged WPW into the drainage ditches. During rain storms the ditches frequently overflowed, carrying WPW into the yards of the neighbors. Flooding of the neighborhood occurred on numerous occasions during the years

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Children played in the ditch water during the summer. Some residents used scrap wood from the plant for home fireplace wood. A large fire in 1974 caused an acute exposure to levels of chemically contaminated smoke and run-off water, adding to the neighborhood contamination.

The plant operated from 1929 to the time of the writing of this article using coal-derived creosote continuously and pentachlorophenol (PCP) from the 1950s until 1974. Heat and pressure were applied to facilitate penetration of the creosote and PCP into the wood. The creosote was dehydrated on a regular basis to keep the moisture content below 3%. The dehydrating process required additional heating of the creosote, which released more vapor into the air. Creosote is a complex mixture containing a large percentage of polycyclic aromatic hydrocarbons (PAHs). Creosote constituents are numerous, but naphthalene and alkyl derivatives are the main components. Creosote contains significant amounts of aromatic hydrocarbons, including benzene, toluene, xylene, trimethylbenzene, methyl ethyl benzenes, styrene, phenol, and methyl styrene. The polycyclic aromatic hydrocarbons include benzo(*a*)pyrene, naphthalene, methyl naphthalene, dimethyl naphthalene, ethyl naphthalene, acenaphthene, fluorene, dibenzothiophene, acenaphthylene, benzocalpyrene, benzo(*ghi*)perylene, anthracene, pyrene, penanthrene, chrysene, benzo(*e*)pyrene, dibenzo(*ah*)anthracene, benzo(*k*)fluoranthrene, and benzo(*a*)fluorene. Other related compounds in creosote include benzofuran, dibenzofuran, benzonitrile, methyl benzonitrile, benzothiophenes, cresols, indenenes, methyl indenenes, xylenols, quinoline, isoquinoline, and diphenyl (Benedetti et al., 2001). PCP is contaminated with polychlorinated aromatic hydrocarbons (PCHAHs) (i.e., chlorinated dioxin and furans) (ATSDR, 1999a). High pressure and heat were applied to facilitate penetration of the PCP into the wood, which potentially increased the formation of dioxins. Discharge of contaminants into the air, which occurred from normal operations, is believed to have created low-level air exposure on a daily basis. Unusual events such as a fire at the wood treatment plant and floods over the years have caused transient elevated levels of chemical contamination.

We report here a representative sample of the measurements of WPW chemical contamination in the neighborhood adjacent to the wood treatment plant. Exposure pathways for the residents included air, soil, and surface water contaminated with WPW, including chlorinated dioxins and furans. Quantitative data were obtained on human blood, drainage ditch sediment, and yard soil levels for polychlorinated dioxin and furans. Semiquantitative wipe samples from kitchen counter-tops and baseboards were obtained and analyzed for polychlorinated dioxin and furans by the wood treatment plant management. Measurements were performed

on ditch sediment, soil, and house dust for polycyclic aromatic hydrocarbons and petroleum hydrocarbons. Air exposure estimates for some of the residents' homes were modeled for PAHs, polychlorinated dioxins, and creosote volatile organic chemicals (VOCs), and particulates on nine of the homes near the wood treatment plant were also analyzed.

2. Materials and methods

Between 1999 and 2001 a variety of environmental samples were obtained to assess the presence and quantify the level of contamination from the wood processing plant. Biomonitoring studies were carried out on 10 African American adults who were, nearby residents of the plant and who were chosen at random from the initial study cohort of 1269 nearby residents based upon their having lived in the neighborhood for over 25 years. The subjects of the study were fully informed and signed an informed consent to participate in the study. Whole blood was collected in November 2000 in chemically cleaned glass containers prepared by the analytic laboratory with anticoagulant and also with Teflon tops containing no paper products for the nearby residents and for a Dallas, Texas comparison group. Blood was frozen and sent frozen on dry ice to Hamburg, Germany for polychlorinated dioxin and furan analysis at the ERGO Laboratory. Analysis was performed by high-resolution gas chromatography/high-resolution mass spectrometry by methods previously described (Paepke et al., 1989). Two sediment samples were collected simultaneously from the ditch adjacent to Mill Street (see Fig. 1) and were also performed by the ERGO Laboratories.

Some sediment, soil, and all house/attic dust samples were collected by Environmental Technologies Inc. Laboratories (Magnolia, TX) and analyzed in accordance with Environmental Protection Agency (EPA) and American Society of Testing Materials (ASTM) methods.

Surface soil samples were collected using hand trowels and augers. Subsurface sampling was conducted with the Geoprobe soil sampling system, and settled dust samples were collected using a microvacuum system and a 0.8- μ m cellulose filter as described in ASTM methods #E 1973-99 and #D 5438-94 and EPA method #747-R-95-01. All samples were preserved as required and express-shipped to the analytical laboratory.

The house dust analysis was of total settled dust. Particles of up to 100 μ m in size can enter the human airway. Inhalable particles are considered when they can affect health, regardless of their size. Even though fume-sized particles can enter the body though the lungs, the larger particles are swallowed. Thoracic particulates are generally 10 μ m or smaller. Respirable particulates are

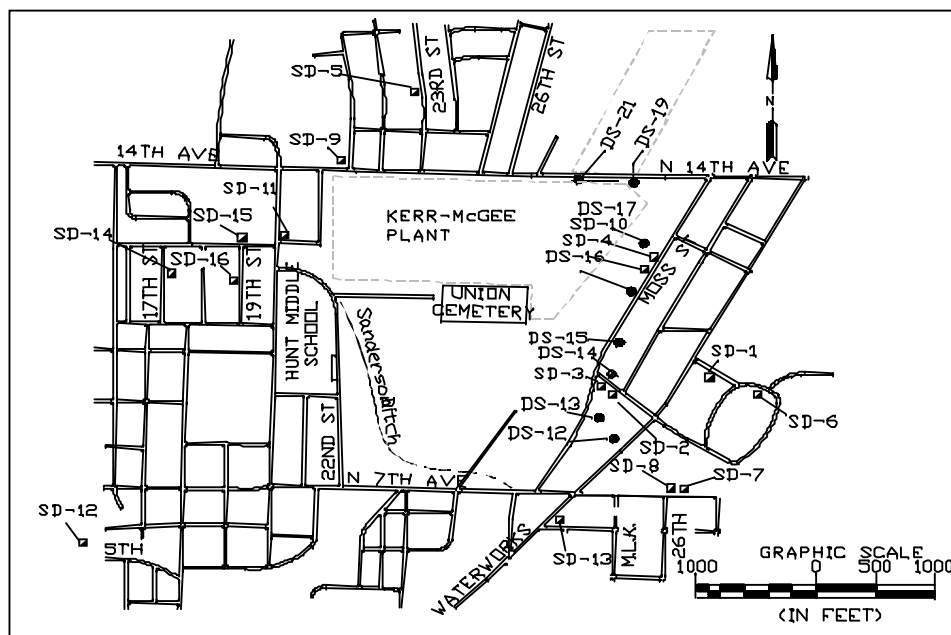


Fig. 1. Map of neighborhood with numbered sampling sites.

generally smaller than $4\mu\text{m}$. Therefore, the filter of $0.8\mu\text{m}$ was appropriate for swallowable (thoracic) and respirable dust.

The soil samples were analyzed by Xenco Laboratories (Houston, TX). The settled dust samples were split and analyzed by both standard analytical methods.

Other soil and ditch sediment samples were collected at the surface and to 2.5 ft below grade surface depths by 3TM International (Houston, TX). The DS number denotes the collection locations of the ditch and nearby soil samples shown in Fig. 1. The letter A identifies samples from the middle of the ditch, whereas soil samples 10 ft east of the ditch are identified by the letter B. The samples were collected into laboratory-supplied collection vessels and sent to the laboratory on ice. Xenco Laboratories analyzed the PAHs utilizing standard laboratory techniques. The SD number denotes the collection locations of the dust wipe samples from a template of 2 in. \times 12 in. The kitchen surface wipe samples were collected by consultants to the plant management and analyzed by Triangle Laboratories (Research Triangle Park, NC). The method used was believed to be an EPA-approved method.

Devraj Sharma of Principe Mathematica (Lakewood, CO) performed the air modeling. A systematic mathematical modeling analysis of air dispersion in the vicinity of Kerr-McGee's (KMC's) wood preserving facility site was conducted. This analysis was based upon a historical reconstruction of the facility operations and used estimated air emissions from significant sources during the time period from January 1929

through December 1999. This included 23 point sources and 10 area sources at different elevations. The hourly emission rates from each of these sources estimated for the seven-decade time period were modeled. The sources included the consequences of a fire which engulfed the KMC facility units for approximately 8 h on September 30, 1974. Influences of the uncertainties in available data were evaluated. The results of air dispersion modeling analysis were then utilized in evaluating nearby residents' exposures.

The computer program utilized for air dispersion modeling analysis of the KMC site is the US EPA's recommended code for analyzing industrial source complexes, **ISCST3**. The input data sets for this program, the receptor grid, the source representations and meteorological data used have all been selected, prepared, and utilized for modeling in accordance with the EPA's recommended procedures. In this respect, wind data from the local US Air Force Base were supplemented with upper air data and climatic information collected at locations nearby. Methods of filling relatively small gaps in available measurement data were devised and tested.

The receptor grid used for air dispersion modeling consisted of two parts: an individual receptor including approximately 27 locations and a polar coordinate system comprising more than 5000 grid nodes. Model calculations at all these receptor locations were saved and used to calculate exposures at each appropriate location and for each individual's appropriate exposure time span. The grid information was used to prepare contour diagrams of breathing-level concentration

plumes for a number of chemical species, including combustion products. The individual receptor information was used to prepare a set of tables that present the calculated air doses, i.e., multiplications of exposure concentrations and exposure duration, for each individual exposure location under several different scenarios. Each of these scenarios employed conservative approximations in order to overcome limitations in the available data; hence, the calculated doses represent lower limits of historical exposures. The cooling tower, which was identified as a major source of air contamination, was not modeled because of the lack of data from the plant management. Plant management first denied that the data ever existed; later the plant claimed that the data had been destroyed.

3. Results

Data from the resident's blood samples and two neighborhood drainage ditch's sediments are shown in Table 1. The dioxin congeners analyses in 10 resident sediment samples both reveal elevations of higher chlorinated dioxins, especially hepta- and octachlorinated dioxins in some persons. A similar pattern is seen in the blood of residents. A similar pattern is also seen in Table 4, which depicts environmental PCAH samples analyzed by a different laboratory. The pattern reveals a higher proportion of the higher chlorinated dioxin congeners. Presumably, chlorinated dibenzo-furans with shorter half-lives of elimination may have been excreted during the 26 years following cessation of PCP use prior to blood sampling.

Table 1 further compares the PCP wood processing ditch sediment samples with the recently published results of ditch sediment samples in Vietnam (Schecter et al., 2001). The Hanoi control sample is from northern Vietnam and the Bien Hung Lake 2 sample is close to a former air base.

Table 2 compares the PCP wood processing plant neighbors with the Dallas general population blood levels and with previous tissue levels in PCP-exposed German, Canadian, and Chinese workers (Paepke et al., 1992; Ryan et al., 1987; Schecter et al., 1996, 1994). Elevation of octachlorodibenzo-*p*-dioxin (OCDD) is the predominant congener noted in the PCP-exposed wood treatment plant neighbors. The mean level for OCDD is 2.6 times, that for heptachlorodibenzo-*p*-dioxin (HpCDD) is 1.3 times, and that for hexachlorodibenzo-*p*-dioxin (HxCDD) is 1.6 times higher in the wood processing plant neighbors than in the general population. As expected, the Canadian worker who died of acute PCP poisoning reported by Ryan et al. (1987) had quite high levels of those congeners found in PCP. The German workers reported by Paepke et al. (1992) had higher levels also presumably due to more current

exposure than that of the persons reported here. In rural China, the levels of dioxins in general in people are lower than in more industrialized countries, and PCP exposure may not have been as high as in the other cohorts presented.

Tables 3 and 4 report the results of sampling for dioxins along the drainage ditch, which parallels North 14th Avenue and then turns down Moss Street (Fig. 1). Table 3 also compares total dioxin/furan/PCB levels, expressed as toxicity equivalent factors (TEQs), to illustrate how our study group compared to another control group and another exposed population (Hanoi Control Sample and Bein Hung Lake). The levels are markedly elevated and again reflect the pattern expected from PCP contamination, namely higher chlorinated congeners, especially OCDD. Total dioxin/furan TEQs are within ranges seen in another dioxin-contaminated site, Times Beach, Missouri, where tetrachlorodibenzo-*p*-dioxin (TCDD) levels were in the 1 ppb range. Those levels of dioxin exerted a toxic effect in laboratory animal systems (Lucier et al., 1986).

Wipe sampling in the kitchen of 11 homes revealed that 20 samples of 33 were positive for octachlorinated dioxin with a mean value of 10.27 ng/m². The detection limit ranged from 0.517 to 2.583 ng/m². The two kitchen wipe samples with the highest values are shown in Table 5 which reports the results for selected congeners of chlorinated dioxins and furans. The wood processing company performed the wipe sampling. Unfortunately, there was no estimate of the area from which the wipe sample was taken so quantification is not precise. The results are presented here because they are consistent with PCP-derived contamination entering the home and persisting. The kitchen contamination suggests an ongoing route of exposure for these residents.

Table 6 reveals the levels in ppm of carcinogenic PAHs (cPAHs) in ditch sediment samples. Table 7 shows the carcinogenic PAHs toxicity equivalent factors (TEFs) for eight sampling sites. The cPAHs are significantly above background levels and similar to the soil contamination on wood preserving sites (Tables 5.3 and 5.4 in ATSDR, 1995).

Table 8 reports the modeled air exposure estimates for naphthalene, dibenzofuran, carcinogenic benzo(*a*)pyrene (B(*a*)P) TEQs, creosote VOCs and particulates. Table 9 report modeled air exposure estimates for chlortinated dioxin/furans TEQs.

Table 10 reports the house/attic dust results for petroleum hydrocarbons (PHC). PHC is similar to total petroleum hydrocarbons (TPH), but does not use freon in the analysis process. PHC was estimated from chromatographs EPA Method 8270, the background level expected in house dust is not established.

Table 1
Dibenzodioxin, dibenzofuran and PCB levels in residents, neighborhood drainage ditches, and Vietnamese drainage ditches

Congeners	TEQ equivalence	Resident 1	Resident 2	Resident 3	Resident 4	Resident 5	Resident 6	Resident 7	Resident 8	Resident 9	Resident 10	Drainage ditch sediment 1	Drainage ditch sediment 2	Hanoi control sample ^a	Bien Hung lake 2A ^b
PCDDs															
2,2,3,7,8-TCDD	1	5.9	4.2	4.1	5.5	3.1	7.4	3.1	3.2	1.9	2.5	7	0.7	ND	177
1,2,3,7,8-PeCDD	0.5	10.5	12.5	12	12.2	10.3	6.8	8.3	8.4	6.8	5.1	13	0.6	0.9	4.2
1,2,3,4,7,8-HxCDD	0.1	14.2	15.1	12.7	10.3	9.3	4.9	8.1	5.9	5.9	4	87	4.1	0.6	4
1,2,3,6,7,8-HxCDD	0.1	72	69.3	79.1	55.2	68.4	31.6	37.4	51.1	52.9	25	1202	31.7	1.7	7.5
1,2,3,7,8,9-HxCDD	0.1	12.8	10.5	7.2	11.7	4.7	5.1	6.1	5.6	3.9	3.4	159	9.7	1	7.1
1,2,3,4,6,7,8-HpCDD	0.01	155.1	99.3	46.5	95.6	58.3	54.8	81.3	28.8	34.3	28.3	48500	2364	25.7	160
OCDD	0.001	2152.7	1038	744.2	1015.7	644.3	711.7	822.9	505.1	679.5	277.5	931200	302097	373	1610
PCDFs															
2,3,7,8-TCDF	0.1	0.8	0.8	0.75	1.05	1.1	0.85	5	0.7	0.7	0.75	17	0.5	9.8	62.3
1,2,3,7,8-PeCDF	0.05	0.6	ND	ND	ND	1	ND	ND	ND	ND	5	84	0.5	5.7	3
2,3,4,7,8-PeCDF	0.5	5.1	6.3	5.8	3.8	7.2	3.1	4.2	3.8	3.9	ND	98	0.9	4.3	1.3
1,2,3,4,7,8-HxCDF	0.1	12.9	9.2	11.5	10	15.9	5.1	6.8	6.3	9.3	5	679	14.3	9.7	2
1,2,3,6,7,8-HxCDF	0.1	7.7	6.9	6.6	5.1	10.2	3.4	4.3	4	5	3.4	288	2	3.4	4.4
1,2,3,7,8,9-HxCDF	0.1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	71	0.6	1.2	1
2,3,4,6,7,8-HxCDF	0.1	3.5	6.9	9.1	4.5	10.1	2.4	4.1	4.3	3.3	3	NA	NA	1.8	2.3
1,2,3,4,6,7,8-HpCDF	0.01	12.3	8.9	12.9	19.5	14.9	7.4	6.3	6.7	16.3	5.9	11098	173.4	8.2	13.2
1,2,3,4,7,8,9-HpCDF	0.01	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	1402	15.9	2.7	2
OCDF	0.001	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	76280	918.1	23.5	42.3
Coplanar PCBs															
33/44/TCB 77	0.0005	33	NA	NA	NA	31	NA	NA	30	35.5	28.5	1228	28	NA	NA
33/44/5-PCB 126	0.1	69	40	39	70	36	29	67	26	28	23	7	NA	NA	NA
33/44/55'-HCB 169	0.01	19	36	49	15	42	11	21	19	28	13	1	NA	NA	NA
Total PCDDs		2423.2	1248.9	905.8	1206.2	798.4	822.3	967.2	608.1	785.2	345.8	981168	304508	403	1970
Total PCDFs		45.4	41.5	49.2	46.5	62.9	24.8	33.2	28.3	41	25.6	90158	1128	70.3	134
Coplanar PCBs		121.0	76.0	88.0	85.0	109.0	40.0	88.0	75.0	91.5	64.5	1236	28	NA	NA
Total PCDD/furans and PCB		2589.6	1366.4	1043.0	1337.7	970.3	887.1	1088.4	711.4	917.7	435.9	1072562	305664		
Total TEQ		37.1	32.0	31.4	32.6	29.3	22.0	25.1	20.8	19.6	12.8	1936	336	6.5	193

Results are in ng/kg (ppt).

ND, not detected; NA, not available.

^a Hanoi sample is the northern Vietnam control sample (Schechter et al., 2001).

^b Bien Hung Lake 2 sample is close to the former air base (Schechter et al., 2001).

Table 2
Comparisons of dioxin congener profiles in samples of pentachlorophenol-exposed workers and the general US population

Congeners	TEQ ^a equivalence	PCP wood treatment residents					General population (Dallas; Schecter, 2000)	PCP poisoning (Ryan et al., 1987)	PCP workers (Germany) (Paepke, 1992)	PCP direct contact, (China)
		<i>n</i> = 10								
<i>n</i> = 200										
<i>n</i> = 26										
PCDDs										
2,3,7,8-TCDD 1,2,3,7,8-PeCDD 1,2,3,4,7,8-HxCDD 1,2,3,6,7,8-HxCDD 1,2,3,7,8,9-HxCDD 1,2,3,4,6,7,8-HpCDD OCDD	1	Mean	Median	Minimum	Maximum	2.6	15	4.5	3	
		4.1	3.7	1.9	7.4	6.3	32	28.3	7.2	
	0.5	9.3	9.4	5.1	12.5	6.4	321	240.6	9	
	0.1	9	8.7	4	15.1	4.9	159	110.3	2.9	
	0.1	54.2	54.1	25	79.1	49.2	7.2	2514.1	24.1	
	0.1	7.1	5.9	3.4	12.8	330.4	59300	33192	1148	
	0.01	68.2	56.6	28.3	155.1					
	0.001	859	727	277.5	2125.7					
PCDFs										
2,3,7,8-TCDF 1,2,3,7,8-PeCDF 2,3,4,7,8-PeCDF 1,2,3,4,7,8-HxCDF 1,2,3,6,7,8-HxCDF 1,2,3,7,8,9-HxCDF 1,2,3,4,6,7,8-HxCDF 1,2,3,4,6,7,8-HpCDF 1,2,3,4,7,8,9-HpCDF OCDF	0.1	1.3	0.8	0.7	5	1	ND{2.0}	2.6	1.5	
	0.05	2.2	1	0.6	5	0.05	NA	3.5	2.4	
	0.5	4.8	4.2	3.1	7.2	4.5	23	48.6	ND{1.0}	
	0.1	9.2	9.3	5	15.9	5.9	80	69.1	16.4	
	0.1	5.7	5.1	3.4	10.2	3.5	80	63.7	2.3	
	0.1	ND	ND			0.5	NA	1.2	ND {1.0}	
	0.1	5.1	4.2	2.4	10.1	1.5	17	12.6	1.2	
	0.01	11.1	10.6	5.9	19.5	6.7	2770	238.3	4.9	
	0.01	ND	ND			0.8	1860	2.8	ND {1.6}	
	0.001	2.5	2.5	2.5	2.5	2.5	7060	8.7	5.2	
Coplanar PCBs										
33/44'TCB 77 33/44'5-PCB 126 33/44'55'-HCB 169	0.0005	31.6	31	28.5	35.5	NA				
	0.1	42.7	37.5	23	70	34.5				
	0.01	25.3	20	11	49	24.5				
Total PCDDs										
Total PCDDs		1010.9	865.4			536.7	66847	36137	1216	
Total PCDFs										
Total PCDFs		41.9	37.7			25.4	11810	450.3	35.7	
Coplanar PCBs										
Total PCDD/Fs and PCB		99.6	88.5			59.0	78657.0	36587.0	1252.0	
		1152.4	991.6			621.0				
Total TEQ										
Total TEQ		26.6	24.7			18.2	283.1	158.6	14.9	

Results are in ng/kg (ppt).

ND, not detected [limit of detection]; NA, not available.

^aToxicity Equivalents.

4. Discussion

Ten blood samples from residents drawn and analyzed in the year 2000 found elevations in some persons of higher chlorinated dioxins. A comparison with PCP workers reveals levels and patterns in these residents that are similar to those of exposed workers (Schechter et al., 1996, 1994). The elevated higher

chlorinated dioxins, especially OCDD, are consistent with previous exposure to PCP, which is characterized by dioxin contamination with the higher chlorinated PCDD/PCDF congeners (Paepke et al., 1992). A pooled blood sample from a general population of 200 Dallas,

Table 3

Total polychlorinated dioxins/furans in drainage ditch sediment samples at depths of 0–12 in

Sample site on map (Fig. 1)	Total polychlorinated dioxin/furans (ppt)	Total TCDD equivalents (TEQs)
DS-12A	615	1.04
DS-13A	439	0.44
DS-14A	ND	ND
DS-15A	55,537	66.77
DS-15B	377,377	2,593.17
DS-16A	1,393,786	9,854.16
DS-16B	4,552,708	10,096.9
DS-17A	326,456	1,214.19
DS-19A	2,739,054	4,579.12
DS-21A	221,014	311.51
Hanoi ^a control sample	473	6.5
Bein Hung Lake 2A ^b	2104	193

Results in ng/kg (ppt).

ND, none detected

^aHanoi sample is the northern Vietnam control sample (Schechter et al., 2001).

^bBein Hung Lake 2 sample is close to a former air base (Schechter et al., 2001).

Table 4

Concentrations of polychlorinated dioxin congeners in three sites

	DS-16A	TEQs	DS-16B	TEQs	DS-17a	TEQs
TCDD	991	991			86	86
12378 PCDD	3841	1720			346	346
123478 HxCDD	4987	498			427	42
123678 HxCDD	7337	733	6562	656	706	70
123789 HxCDD	6921	692			667	66
1234678 HpCDD	12,038	120	285,445	2854	11,298	112
OCDD	1,272,616	1272	4,034,652	4034	302,075	302
Total dioxin TEQs		6026		7544		1024
TCDF	996	99			92	9.2
23478 PCDF					425	212
123478 HxCDF	4951	495	9988	998		
123678 HxCDF	5029	502	1468	146		
123789 HxCDF	3795	379	7484	748	227	22
234678 HxCDF					770	77
1234678 HpCDF	17,626	176	46,703	467	2551	25.51
1234789 HpCDF	4481	44	3325	33	615	6.15
OCDF	48,380	48	157,077	157	6164	6.16
Total furan TEQs		1651		2359		136.82
Total dioxin/furan ppt TEQs		7677		9903		1160

Results in ng/kg (ppt).

Table 5

Dioxins from wipe samples on kitchen surfaces in homes

ng/kg (ppt)	Kitchen on Moss Street	Kitchen on 23rd Street North
TCDD	0.02	0.04
12378 PCDD		0.20
123478 HxCDD		0.22
123678 HxCDD		0.25
123789 HxCDD		0.23
1234678 HpCDD	0.1	0.25
OCDD	0.59	0.50
TCDF		0.03
23478 PCDF		0.21
12378 PCDF		0.22
123478 HxCDF	0.01	0.22
123678 HxCDF		0.23
123789 HxCDF		0.21
234678 HxCDF		0.23
1234678 HpCDF	0.03	0.24
1234789 HpCDF		0.20
OCDF	0.05	0.45
Total TEQs (ppt)	0.02385	0.37845

Surface areas sampled are not specified. Twenty out of 33 kitchen wipe samples were positive for dioxins. Values are in ng/kg (ppt).

Table 6
Carcinogenic cPAHs and total PAHs in neighborhood ditch samples

Sample site on (Fig. 1)	Benzo(a)pyrene	Benzo(a)anthracene	Benzo(b)fluoranthene	Chrysene	Indeno(123-cd)pyrene	Total PAH ^a
DS-12A	ND	1.65	3.7	1.85	0.427	33.2
DS-13	0.963	3.0	4.1	2.85	0.498	38.2
DS-14	12.4	21.5	20.4	26.7	6.71	405
DS-14A	1.11	1.19	2.04	1.72	BRL	444
DS-15B	3.65	3.13	3.18	2.58	0.37	110
DS-16	24.5	70	33	61.5	10.5	1356
DS-16A	6.66	9.92	11.3	BRL	2.14	1355
DS-17A	1.9	3.81	2.56	BRL	BRL	245
DS-19	6.82	16.70	10.4	15.3	2.7	659
DS-21A	0.295	1.38	4.52	1.91	0.87	31.1
1009 Moss Street house dust sample	3.26	2.98	14.1	7.06	2.93	
1214 Moss Street house dust sample	0.099	0.11	0.22	0.11	0.094	
Background rural	0.002–1.3	0.005–0.02	0.02–0.03	0.038	0.01–0.015	
Wood preserving site surface soil	28	12	38	38	10	
MS DEQ target remediation goals	0.0875	0.875	0.875	87.5	0.875	
US EPA target remediation goals	0.062	0.62	0.62	62	0.62	

Comparisons are to ATSDR published background rural soil and contaminated site values (ATSDR, 1995). Results are in mg/kg (ppm).

^aIncludes noncarcinogenic and carcinogenic PAHs.

Table 7
Totals for carcinogenic PAHs in mg/kg with total toxicity equivalence factor

Sample site on (Fig. 1)	Benzo(a)pyrene	Benzo(a)anthracene	Benzo(b)fluoranthene	Chrysene	Indeno(123-cd)pyrene	Total TEF
DS-12A	0	0.165	0.37	0.0018	0.042	0.5795
DS-13A	0.963	0.300	0.41	0.0028	0.042	1.7186
DS-14A	1.11	2.150	3.990	0.0267	0.670	7.9467
DS-15A	3.65	0.313	0.318	0.0025	0.037	4.3205
DS-16A	6.66	7.000	6.790	0.0615	1.050	21.5615
DS-17A	1.9	0.947	0.890	0.0082	0.130	3.8752
DS-19A	1.43	1.670	1.790	0.0150	0.270	5.1750
DS-21A	0.295	0.138	0.452	0.0019	0.087	0.9739
Toxicity equivalence Factor (USEPA, 2000)	1.0	0.1	0.1	0.001	0.1	

Table 8
Modeled air exposure estimates for naphthalene, dibenzofuran, carcinogenic B(a)P toxicity equivalent factors, creosote VOCs, and particulates

Exposure period		Maximum annual average air exposure for 10 residents (ng/m ³)—(High range—MPRH) ^a				
Start	End	Naphthalene	Dibenzofuran	Benzo(a)pyrene TEF	Creosote (VOC)	Particulate matter
07/1952	06/1979	30.57	5.92	0.07	72.78	0.79
01/1990	10/1995	70.14	13.59	0.18	167.00	0.44
12/1990	10/1995	68.22	13.22	0.17	162.42	0.44
07/1978	12/1999	67.18	13.02	0.17	159.96	0.44
07/1969	12/1999	41.41	8.03	0.10	98.59	0.65
07/1983	06/1985	68.58	13.29	0.17	163.29	0.47
07/1985	12/1999	46.12	8.94	0.12	109.82	0.40
07/1990	12/1999	33.29	6.45	0.08	79.26	0.36
07/1982	06/1995	30.56	5.92	0.08	72.76	0.38
07/1976	06/1981	35.47	6.87	0.09	84.46	0.56

^aMost Probable Range High.

Texas residents collected at about the same time documents current congener levels and dioxin levels in the general population of this region of the country.

Levels in the current Dallas blood show lower dioxin levels than previously reported (Schecter, 1994; Schecter et al., 1996). The blood polychlorinated biphenyls

Table 9
Modeled air exposure estimates for chlorinated dioxin/furans TEQs^a

Exposure period		Total air exposure (ng/m ³)(years) (high range–MPRH)		
Start	End	Polychlorinated dibenzo- <i>p</i> -dioxins (CDD) TEQ	Polychlorinated dibenzo- <i>p</i> -furans (CDF) TEQ	2,3,7,8-Tetrachloro-dibenzo- <i>p</i> -dioxin (TCDD)
07/1952	06/1979	1.536E-04	3.711E-04	4.606E-07
07/1979	12/1999	2.242E-05	5.416E-05	6.722E-08
03/1960	06/1989	4.456E-05	1.077E-04	1.336E-07
07/1959	06/1966	4.142E-05	1.001E-04	1.242E-07
07/1978	12/1999	3.072E-05	7.422E-05	9.211E-08
07/1969	12/1999	7.787E-05	1.881E-04	2.335E-07
07/1976	06/1983	3.037E-05	7.339E-05	9.108E-08
07/1962	06/1966	3.199E-05	7.729E-05	9.592E-08
07/1968	06/1978	3.332E-05	8.050E-05	9.991E-08
07/1967	06/1971	2.302E-05	5.562E-05	6.903E-08

^aTEQ—Toxicity Equivalents.

Table 10
Petroleum hydrocarbons house/attic dust levels in 16 homes near the wood processing plant in 2001

Sample site on (Fig. 1)	Address	Petroleum hydrocarbons ^a (mg/kg)
SD-4	1025 Moss Street	2230
SD-3	2304 Marvin Circle	14,600
SD-2	2306 Marvin Circle	2210
SD-6	267 Byrnes Circle	2610
SD-1	289 Byrnes Circle	4580
SD-5	1602, 23rd Street, North	1520
SD-7	2605, 7th Avenue North	2580
SD-8	2609-2619, 7th Avenue North	620
SD-9	1403, 21st Street, North	18,300
SD-10	1009 Moss Street	226,000
SD-11	1300, 20th Street, North	27,500
SD-12	514, 15th Street, North	6130
SD-13	2325 6th Avenue	9110
SD-14	1204, 17th Street, North	44,000
SD-15	1807, 12th Avenue North	46,400
SD-16	1213, 19th Street, North	10,900
Average		26,206

^aPHC—similar to TPH, estimated from chromatographs, EPA method 8270.

(PCBs) of the study group were not elevated above those of the Dallas reference group, which is expected, since PCB exposure in the wood processing neighbors would be similar to that of a normal background. After cessation of PCP use in 1974, its contaminants still remain in the neighborhood in the sediment of drainage ditches and in the soil at some locations. As a result, reexposure is possible, especially in children who are still playing in the ditches and on the adjacent soil. Dust from the contaminated soil can also be resuspended, giving rise to respirable dust and settling dust on surfaces in homes. Thus, ongoing exposure to the contaminants from prior PCP use is possible.

The finding of chlorinated dioxins from PCP indicates a pattern that is consistent with the neighbors of the wood processing plant having higher levels from neighborhood contamination than background. Whether the current blood levels reflect only prior exposure or a combination of prior exposure and ongoing exposure cannot be determined from the available information. It is probable that the levels of the dioxins in blood would have been higher in the decades during which the PCP was being used.

The PCP characteristic pattern of dioxins in the blood serves as a surrogate marker for the other contaminants. The PAHs are transient in the body, making dioxins the only biomarker of exposure available. One can assume that the contaminated soil and ditch sediment serve as a pathway of exposure for the residents living in this neighborhood. The quantitative internal dose that has occurred from this exposure to all the contaminants cannot be determined with assurance, but is likely to be significant, given the high levels of PHC in the attic dust. Since the house dust has high levels of petroleum hydrocarbon contaminants, it is probable that the inhabitants of those homes would be inhaling and ingesting carcinogenic and toxic chemicals in significant concentrations.

The residents report creosote odor on a daily basis even at the time of writing, although the strong odors from the plant are reported to occur less often. The strongest odors occur at night after 9 PM. Naphthalene is the largest creosote air constituent in wood treating plants (Heikkilä et al., 1987). Heikkilä and co-workers studied a creosote wood treatment plant and found naphthalene to constitute 2.2 mg/m³ (0.42 ppm) of the total 3.7 mg/m³ of airborne creosote vapor in the work area. This level of creosote exposure caused neurological and irritant symptoms in the exposed workers. The symptoms experienced by the near neighbors are similar to those in the exposed workers reported by Heikkilä

Air levels of creosote vapor sufficient to cause symptoms are also accompanied by significant carcinogenic PAH exposure (Heikkila et al., 1987). The odor threshold for naphthalene is 0.437 mg/m³ (0.084 ppm), with a standard error of 9.88 mg/m³ (1.9 ppm) (Amoore and Hautala, 1983). Thus, the presence of a detectable odor of naphthalene associated with symptoms would indicate that significant airborne exposure to the creosote vapor is occurring and this at levels ranging from 0.437 to 2.2 mg/m³. Tables 8 and 9 provide results of air modeling of the vapors and particulates from the plant calculated as the concentration that would be present at the mailbox of the studied home. The results provide a quantitative estimate of exposures over time. The modeled exposures provide values consistent with annual exposures in range of nanograms per cubic meter. Such values would not result in strong odors or in symptoms. The reason that the modeled data are less lower than expected than the odors and symptoms reported by the residents is that the real-world conditions of plant operation differ from the assumptions of the model. The air modeling values are conservative and probably underestimate this route of exposure, since many activities of the plant, plus uncontrolled releases, cannot be considered in the calculations.

The air modeling reveals that there are annual exposures to a variety of airborne contaminants. The air modeling suggests doses of individual exposure, which are very conservative. It does not take into account the residents' exposure from events such as the dehydrating of the creosote. This is a process in which the creosote is heated to reduce the water content. This dehydrating process is carried out at night, at which time the residents note a strong odor. If the dehydrating process were taken into account, residents who lived close to the plant (closer than 1 mile) would have an estimated 15–50% higher exposure. Residents who lived further away (1 mile or further) would have an estimated 0–20% higher exposure. Even so, the annual doses of PAHs and dioxins are higher than some states' regulatory levels for inhalation and ingestion of these compounds. Michigan, for example, has an annual acceptable air exposure for dioxin (TCDD) of 2.3E–5 ng/m³ (ATSDR, 1998). If the TCDD equivalence factors were used rather than the TCDD alone, the values for some homes would be above the Michigan standard. The acceptable level of annual ambient air exposure for B(a)P in New York and Maryland is zero. The acceptable annual ambient air level for B(a)P in Vermont is 3E–11 ng/m³ (ATSDR, 1998).

The current EPA recommendation for ingestion of TCDD TEQs is that it is not to exceed 0.1 pg/kg/day of dioxin TEQs (USEPA, 2000). This established guideline relates to cancer risk. ATSDR has derived an acute-duration oral Minimum Reportable Limit (MRL) of 0.0002 µg/day. Risk of exceeding these values upon

exposure to the house dust, air, run-off water, sediment, and soil matrices exists in this neighborhood. The ingestion of 200 mg of soil from site DS-16B with 7.544 ppb TEQs dioxin would be highly dangerous and likely to have an adverse health impact. Site 16B is a vacant lot next to an occupied home. A 20-kg child playing in this yard could easily ingest 200 mg of soil (USEPA, 1989), for a dose of 75.4 pg/kg/day. Since this same soil also has high levels of PAHs, the population living in this neighborhood is sustaining a very high dose of carcinogenic and toxic chemicals. When all routes of exposure, inhalation, ingestion, and dermal, are included, higher than normal background exposure to dioxins and PAH has most likely occurred.

The finding of high levels of PHC in the house/attic dust indicates that contamination has occurred and is occurring. The Commonwealth of Massachusetts considers 10,000 ppm to be the upper concentration of TPH allowed in soil (ATSDR, 1999b). House/attic dust does not usually have significant TPH as a normal contaminant. Seven of the homes exceed the Massachusetts State allowable level for soil. House dust should probably have a lower acceptable level because of the greater likelihood that it will be ingested or inhaled. In addition, the make-up of this neighborhood's TPH would be expected to contain significant cPAHs as well as chlorinated dioxins based on what is present in the neighborhood kitchens, soil, and ditch sediment. Because there are high levels of cPAHs and dioxins in the soil and ditch sediment near these homes, it is possible that the attic dust also contains high levels of these carcinogenic and toxic pollutants. One thousand nine Moss Street, the house with the highest level of PHC (226,000 ppm), is between DS-16 and DS-15, where very high levels of contamination are present. The contaminants outside the home would be similar to the contaminants inside the home. TPH is probably a helpful surrogate of exposure intensity. It may also be an economical analytical agent for tracking the level of greatest pollution in the neighborhood.

The Agency for Toxic Substances and Disease Registry (ATSDR) has determined an action level of greater than 1 ppb TEQ for dioxin and dioxin-like compounds (ATSDR, 1998). The ATSDR recommends surveillance, research, health studies, community education, physician education, and exposure investigations (ATSDR, 1998). The toxicity levels documented here exceed the action level of the ATSDR and thus warrant a public health action concerning the residents living near the wood processing plant.

We conclude that the data presented here document a substantial contamination of a neighborhood by wood processing waste chemicals. That contamination has not remained in only ditches or in soil but has also reached the bodies of the residents. The predicted health risk to the residents from this contamination is considerable.

Our companion paper reports findings on the health effects found in the nearby residents. The findings suggest the need for more stringent controls on discharges from wood treatment plants to protect the public health.

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Long-Term Damage: Forget about the large chips and visible sawdust: perhaps the most damaging element is the invisible fine dust (sometimes called “coarse inhalable particles” ranging from 2-10 microns). Basically, these tiny bits of sawdust float around the air and linger even after the tools have stopped running. These invisible particles get inhaled and cause tiny wounds and scarring to our lungs: each time this happens, it causes a very small amount of irreversible damage. The immediate effect is unnoticeable, but over long periods of time, this can result in significantly decreased lung capacity, and a number of other health issues.

Irritants: The most common way that wood dust affects a woodworker is by being an irritant. This simply means that it can irritate our skin, our eyes, and our lungs. This can mean reactions such as itching, sneezing, coughing, runny nose, rashes, and asthma-like breathing problems.

Sensitizers: Taking things a step beyond being just irritating, some woods can make us more and more sensitive upon each successive exposure. So even if you don’t experience any sort of allergic reaction to the wood or its dust upon first exposure, each time you breathe the dust or handle the wood. Sometimes the eventual reaction can be quite strong, resulting in rashes or boils, severe sinus or respiratory pain/inflammation, or a number of other conditions depending on the wood species.

Toxins: Not nearly as common, some wood is considered to be directly toxic. One example of this is Yew, which even according to ancient Roman knowledge, was capable of causing fatality in certain cases. (See the introduction of the article, [Wood Allergies and Toxicity](#).)

Carcinogens: If you look at the [toxicity chart](#) of wood species, you’ll notice that some species have been shown to cause NPC. That is, Nasopharyngeal carcinoma, or nasopharyngeal cancer.

WHAT IS A SENSITIZER?

You’ve probably already heard the term *desensitized*—usually in reference to violent movies or images—meaning that we start off as naturally being sensitive to something, and upon more and frequent exposure, we become less and less sensitive to its effects.

Well, with some woods that have been classified as being a *sensitizer*, the opposite is true: the more we are exposed to a wood’s sawdust or other fine particles, the more sensitive we get to its exposure, and the more severe and adverse the reactions become.

If you ever have an allergic reaction to any wood that has been identified as a sensitizer, use extreme caution in handling or using that species (and related species) in future instances. Some have reactions so severe that they simply have had to stop and discontinue using certain wood species altogether. ([Cocobolo](#) is notorious in this regard.)

WHAT IS HP?

Hypersensitivity pneumonitis (also called extrinsic allergic alveolitis, EAA) is an inflammation of the alveoli within the lung caused by hypersensitivity to inhaled organic dusts. [HP on PubMedHealth.](#)

WHAT IS NPC?






























Nasopharyngeal carcinoma, or sometimes called nasopharyngeal cancer. Basically, it is a cancer of the upper area of the pharynx or “throat,” where the nasal passages and auditory tubes join the remainder of the upper respiratory tract. [NPC on MayoClinic.com.](#)

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Toxicity of Wood Species Sawdust to Humans






















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Wood Species	Reaction	Area(s) Affected	Potency
Abura	irritant, nausea, giddiness, and vomiting		★★☆☆
African Blackwood	irritant, sensitizer	  	★★★★☆
Afrormosia	irritant, nervous system effects, asthma, splinters go septic	  	★★★★☆
Afzelia	irritant, sneezing	  	★★☆☆☆
Agba (<i>Gossweilerodendron balsamiferum</i>)	irritant		????
Ailanthus	irritant		★☆☆☆☆
Albizia	irritant, nausea, pink eye, giddiness, nose bleeds	  	★★★★☆
Alder (<i>Alnus</i> genus)	irritant	  	★☆☆☆☆
Alligator Juniper	irritant	 	★★★★☆
Amboyna	irritant, asthma	 	????
Andiroba	irritant, sneezing	  	★★☆☆☆
Angelim vermelho	unspecific allergic reactions		★★☆☆☆
Araracanga	irritant, asthma	 	★★★★☆
Ash (<i>Fraxinus</i> genus)	irritant	 	★★☆☆☆

Toxicity of Wood Species Sawdust to Humans

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Ash, alpine (<i>Eucalyptus delegatensis</i>)	irritant	 	????
Ash, mountain	irritant	  	★★☆☆
Australian Blackwood	irritant, sensitizer, asthma	  	★★☆☆
Australian Cashew Nut (<i>Semecarpus australiensis</i>)	irritant, skin lesions, nosebleeds	  	★★★★
Avodire	irritant, nose bleeds, internal bleeding, asthma	 	★★★★☆
Balsa	irritant		★☆☆☆
Bamboo	irritant		★☆☆☆
Batai	irritant, sneezing	 	★★★★☆
Birch (Betula genus)	irritant, sensitizer, nausea	 	★★☆☆
Black Cherry	wheezing, giddiness		★☆☆☆
Black Locust	irritant, nausea	 	★★★★☆
Blackbean	irritant	  	????
Bloodwood	irritant, excessive thirst, salivation, nausea		★★☆☆
Bloodwood, Red (Australian)	irritant	 	★★☆☆
Blue Gum	irritant		★☆☆☆

























Blue Mahoe	sneezing		★☆☆☆☆
Bocote	cross reactions possible once sensitivity to other woods have developed		★★☆☆☆
Bosse	irritant, sensitizer, asthma, nausea, headache	  	★★★★★
Box, Gray	irritant, rash	 	★☆☆☆☆
Boxwood, Knysna (<i>Gonioma kamassi</i>)	irritant, headache, asthma	 	????
Boxwood, European	irritant, sensitizer	  	★★☆☆☆
Brazilwood	irritant, headache, nausea, swelling skin, blisters		★★☆☆☆
Brigalow (<i>Acacia harpophylla</i>)	irritant		????
Brownheart	irritant		★★☆☆☆
Bubinga	irritant, lesions		????
Buckthorn	irritant, sap can cause dermatitis		★★☆☆☆
Bulletwood	irritant		★★☆☆☆
Camphor	irritant, asthma, headaches, giddiness	 	★★☆☆☆
Cashew (<i>Anacardium occidentale</i>)	irritant, blisters, sensitizer		★★★★☆























Catalpa	irritant		★☆☆☆☆
Cedar, Alaskan Yellow	irritant		★☆☆☆☆
Cedar, Aromatic Red	irritant		★★★★☆
Cedar, Atlantic White	irritant		★☆☆☆☆
Cedar, Australian Red	irritant, asthma, migraine, giddiness, bronchitis, stomach cramps, NPC (rare)		★★★★☆
Cedar, Incense	irritant, rashes		★★★★☆
Cedar of Lebanon	irritant, asthma, runny nose, respiratory disorders		★★★★☆
Cedar, Northern White	irritant, asthma		★★★☆☆
Cedar, Port Orford	irritant, runny nose, asthma, kidney problems (diuresis)		★★★★☆
Cedar, Spanish	irritant		★★★☆☆
Cedar, Southern Red	irritant		★★★★☆
Cedar, Western Red	irritant, sensitizer, runny nose, asthma, nervous system effects, NPC (rare)		★★★★★
Chechen	irritant, sensitizer		★★★★☆
Chestnut, Chinese (<i>Castanea mollissima</i>)	irritant		★★★☆☆

Toxicity of Wood Species Sawdust to Humans

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Chestnut, Chinese (<i>Castanea mollissima</i>)	irritant		★★☆☆
Chestnut, Sweet	irritant, sensitizer		★★★★☆
Chico Zapote	irritant (nasal)		★★★★☆
Chinaberry	irritant, headaches	 	★★☆☆
Cocobolo	irritant, sensitizer, nausea, asthma, pink eye	  	★★★★★
Cocuswood	irritant		★★☆☆
Coolibah	irritant		★☆☆☆
Copaia (<i>Jacaranda copaia</i>)	irritant		????
Crow's Ash (<i>Flindersia australis</i>)	irritant		????
Cuban Mahogany	irritant		★☆☆☆
Cypress	sensitizer		★☆☆☆
Cypress, Australian	irritant, asthma, swelling of eyelids, boils, NPC (rare)	  	★★☆☆
Cypress, Gowen	irritant		★★☆☆
Cypress, Leyland	irritant		★★☆☆

Cypress, Mediterranean	irritant, rashes, headaches		★★★★☆
Cypress, Mexican	irritant		★★★☆☆
Cypress, Monterey	irritant		★★★☆☆
Dahoma (<i>Piptadeniastrum africanum</i>)	irritant, sensitizer	  	★★★★☆
Dead Finish (<i>Acacia tetragonophylla</i>)	irritant, splinters go septic		????
Douglas-fir	irritant, giddiness, runny nose, splinters go septic, nausea	  	★☆☆☆☆
Ebony (<i>Diospyros</i> genus)	irritant, sensitizer, pink eye	  	★★★★☆
Ebony, Brown	irritant		★★★☆☆
Ebony, Macassar	irritant, sensitizer		★★★★☆
Ekki	irritant		★★★☆☆
Elm (<i>Ulmus</i> genus)	irritant, sensitizer, NPC (rare)	 	★☆☆☆☆
European Beech	irritant, sensitizer, NPC (rare)	  	★★★☆☆
Eyoum (<i>Dialium dinklagei</i>)	irritant	 	????
Fir (<i>Abies</i> genus)	irritant		★☆☆☆☆

Fir, Balsam	irritant		★★☆☆
Freijo	irritant, sensitizer, dryness/thirst		★★☆☆
Garapa	irritant		★★☆☆
Goncalo Alves	sensitizer	 	★★☆☆
Grasstree (<i>Xanthorrhoea</i> spp.)	irritant		????
Greenheart	sensitizer, wheezing, severe throat irritation, splinters go septic, cardiac and intestinal disorders	   	★★★★
Guanacaste	irritant	 	★★★★
Gum, Lemon-Scented	irritant		★☆☆☆
Gum, Spotted	irritant, rashes		★☆☆☆
Gum, Yellow	irritant	 	★☆☆☆
Hackberry	irritant		★★☆☆
Hemlock, Eastern	irritant		★☆☆☆
Hemlock, Mountain	irritant		★☆☆☆
Hemlock, Western	irritant, runny nose, NPC (rare)	 	★☆☆☆
Hophornbeam	irritant		★☆☆☆
























Toxicity of Wood Species Sawdust to Humans





























10



























Hornbeam (<i>Carpinus</i> genus)	irritant		★★☆☆
Idigbo	irritant	 	????
Imbuia	irritant	 	★★☆☆
Indian Beech (<i>Pongamia pinnata</i>)	irritant	 	????
Indian Laurel	irritant		★★☆☆
Ipe	irritant, headache, asthma, vision effects	  	★★★★☆
Iroko	irritant, sensitizer, asthma, boils, giddiness, HP	  	★★★★☆
Ironwood, Desert	irritant, sneezing, coughing		★★★★☆
Jarrah	irritant	 	????
Jatoba	irritant		????
Jelutong	irritant		★☆☆☆
Juniper, Phoenician (<i>Juniperus phoenicea</i>)	irritant, headache, nausea		????
Kahikatea (<i>Dacrycarpus dacrydioides</i>)	irritant	 	????
Karri	irritant		★☆☆☆

Toxicity of Wood Species Sawdust to Humans

11





























Katalox	irritant	 	★★★★☆
Keruing	irritant		★☆☆☆☆
Kingwood	irritant, sensitizer, pink eye	  	★★★★☆
Koto	irritant		★☆☆☆☆
Laburnum 	constitutional effects (nausea, vomiting, headaches); direct toxin	N/A	★★★☆☆
Lacewood	irritant		????
Larch (Larix genus)	irritant, hives, lesions		★☆☆☆☆
Leadwood (Combretum genus)	irritant		★☆☆☆☆
Lebbeck	irritant	 	★★★★☆
Lignum Vitae	irritant		????
Limba	irritant, hives, splinters go septic, asthma, bleeding of the nose and gums	 	????
Machiche	irritant		★★★☆☆
Magnolia (Magnolia genus)	asthma, runny nose		★☆☆☆☆
Mahogany, African	irritant, sensitizer, NPC (rare)	 	★★★★☆
Mahogany, Honduran	irritant, sensitizer, boils, nausea, giddiness, asthma, HP	  	★☆☆☆☆
















Mahogany, Santos	irritant	 	★★☆☆
Makore	irritant, nausea, headache, giddiness, nervous system and blood effects	  	★★★★☆
Mango	irritant		★★☆☆
Mansonia	irritant, sensitizer, nausea, sneezing, headaches, nosebleeds, splinters go septic, asthma, giddiness, cardiac disorders	   	★★★★☆
Maple (Acer genus)	irritant, sensitizer, asthma; HP in spalted maple	 	★★★★☆
Maple, Queensland	irritant	 	★★☆☆
Meranti (Shorea genus)	irritant	  	????
Merbau	irritant	 	????
Mesquite (Prosopis genus)	irritant		★★☆☆
Messmate	irritant, asthma	 	★☆☆☆
Milky Mangrove (<i>Excoecaria agallocha</i>) ⚠	sap is poisonous, causes irritation to eyes and/or temporary blindness, headache, burning of throat, blistering of skin	  	★★★★
Mimosa	irritant		★★★★
Moabi	irritant (mucous membranes)	 	★★☆☆


























Molopangady (<i>Breonia madagascariensis</i>)	irritant, sores		????
Monkeypod	irritant		★☆☆☆
Mora	irritant		★☆☆☆
Movingui	irritant		★★☆☆
Muhuhu (<i>Brachylaena hutchinsii</i>)	irritant		????
Mulga	irritant, headache, nausea, lesions, wood contains a virulent poisonous principle used for spear heads by aboriginals	  	★★★★
Muninga	irritant, asthma, bronchitis	 	★★☆☆
Myrtle	irritant, sensitizer	 	★★☆☆
Myrtle, Tasmanian	irritant	 	★★☆☆
Narra	irritant, asthma	 	★★☆☆
Norway Spruce	irritant, asthma	 	????
Nyatoh	irritant	 	????
Oak (<i>Quercus</i> genus)	irritant, sensitizer, asthma, NPC (rare)	  	★★☆☆
Obeche	irritant, sensitizer, runny nose, sneezing, hives, asthma	  	★★★★














Toxicity of Wood Species Sawdust to Humans


























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Okoume	irritant, cough, asthma, pink eye	  	★★☆☆
Oleander (<i>Nerium oleander</i>) ⚠	irritant, nearly every part of the plant is toxic , cardiac effects	 	★★★★
Olive	irritant, sensitizer	  	★★★★
Opepe	irritant, sensitizer, nervous system effects	  	★☆☆☆
Osage Orange	irritant, sap can cause dermatitis		????
Osage Orange, Argentine	irritant, sap can cause dermatitis		????
Padauk (<i>Pterocarpus</i> genus)	irritant, sensitizer, nausea, asthma	  	★★★★
Palm (<i>Arecaceae</i> family)	irritant, constitutional effects		★☆☆☆
Parinari (<i>Parinari</i> spp.)	irritant		????
Partridgewood	irritant, hives, coughing	 	★★☆☆
Pau Ferro	irritant, sensitizer	 	★★★★
Pau Marfim (<i>Balfourodendron riedelianum</i>)	irritant		????
Pau Rosa	irritant		★★☆☆
Pau Santo	irritant		★★☆☆
Peroba Rosa	irritant, sensitizer, nausea, asthma	  	★★★★

Persimmon	irritant		★☆☆☆
Pheasantwood	cavities in the wood can contain powder that is an irritant, skin discoloration		★☆☆☆
Pine (Pinus genus)	irritant, runny nose, asthma		★★☆☆
Pine, Huon	irritant		★★☆☆
Pistachio	irritant		★☆☆☆
Poison Walnut (Cryptocarya pleurosperma) ⚠	bark irritating to skin, dust may cause asthma, nausea, giddiness, sap is toxic and corrosive		★★★☆☆
Poplar	irritant, blisters, asthma, bronchitis		????
Primavera	irritant, sensitizer		★★☆☆
Purpleheart	irritant, sensitizer, nausea		★★☆☆
Quebracho	irritant, nausea, NPC (rare)		★★☆☆
Quina	irritant		★★☆☆
Ramin	irritant, splinters go septic, asthma		★★☆☆
Redwood	irritant, sensitizer, asthma, HP, NPC (rare)		★★☆☆
Rengas	sap is strongly irritating, blisters, ulcers, fever, constitutional effects		★★★★
Rhodesian Teak	irritant		★★☆☆

Rose	irritant, pink eye	 	????
Butternut (<i>Blepharocarya involucrigera</i>)			
Rosewood (Dalbergia genus)	irritant, sensitizer, asthma	  	★★★★★
Rosewood, Brazilian	irritant, sensitizer	  	★★★★★
Rosewood, East Indian	irritant, sensitizer		★★★★★
Rosewood, Siamese	irritant, rash, hives, sensitizer		★★★★★
Rubberwood	irritant, sensitizer (latex allergy)		★★☆☆☆
Saffron-Heart (<i>Halfordia scleroxyloa</i>)	irritant, splinters go septic, lung congestion	 	????
Santa Maria (<i>Calophyllum brasiliense</i>)	irritant, fainting, insomnia, kidney damage	 	????
Sassafras	sensitizer, nausea, respiratory, direct toxin , NPC (rare)	 	★☆☆☆☆
Sapele	irritant, sneezing	 	????
Satinwood, East Indian	irritant, headache, diarrhea, sensitizer	  	★★★★☆
Satinwood, West Indian	irritant, diarrhea, rash, blisters, sensitizer		★★★★☆
Shittim (<i>Acacia seyal</i>)	irritant, coughing	 	????

Silky Oak, Northern	irritant		★★☆☆
Silky Oak, Southern	irritant, sap may cause blistering of skin, eyelid inflammation		★★★★
Simarouba (<i>Simarouba amara</i>)	irritant		????
Sissoo	irritant		★★☆☆
Slash Pine	irritant, asthma		????
Snakewood	irritant		★★☆☆
Sneezewood	irritant, oils within the wood cause violent sneezing		★★★★
Spruce (<i>Picea</i> genus)	irritant, sensitizer		★☆☆☆
Sucupira (<i>Bowdichia nitida</i>)	irritant		????
Sugi	unspecified allergic reactions		★★☆☆
Sumac (<i>Rhus</i> spp.)	irritant, bark may cause blisters		★☆☆☆
Sweetgum	irritant		★☆☆☆
Tali (<i>Erythrophleum suaveolens</i>)	irritant, headache, giddiness, nausea, disorders of bowels and stomach		????
Tambootie	irritant, diarrhea, blindness, direct toxin		★★★★

Tatajuba	irritant		★☆☆☆
Teak	irritant, sensitizer, rash, nausea, asthma, vision effects, pink eye, HP	  	★★★★☆
Thuya	irritant	 	★★★★☆
Tiama (<i>Entandrophragma angolense</i>)	irritant		????
Turpentine	irritant, swelling	 	????
Tzalam	cold-like symptoms		★☆☆☆
Utile	irritant		????
Verawood	sneezing		★★☆☆
Walnut, African	irritant, systemic effects, NPC (rare)	  	★★★★☆
Walnut, Black	irritant, sensitizer, NPC (rare)	  	★★☆☆
Walnut, English	irritant, NPC (rare)	  	★★☆☆
Wamara	irritant	 	★★★★☆
Wenge	irritant, sensitizer, splinters go septic, nervous system effects, abdominal cramps	  	★★★★☆
Western Hemlock	irritant, NPC (rare)		????

Western Juniper (<i>Juniperus occidentalis</i>)	irritant	 	★★★★☆
White Peroba (<i>Paratecoma peroba</i>)	irritant, sensitizer, asthma	  	?????
Willow (<i>Salix</i> spp.)	sensitizer, nausea, NPC (rare)		★★☆☆☆
Yew (<i>Taxus</i> spp.) 	irritant, nausea, headache, cardiac effects, direct toxin	   	★★★★★
Yellowheart	irritant		★★★☆☆
Zebrawood	sensitizer	 	★★★☆☆
Ziricote	cross reactions possible once sensitivity to other woods have developed		★★★☆☆
Zitan	irritant, vomiting		★★★☆☆

From: [Jaime Happ](#)
To: [Hartman, Susan](#); [Volenski, Dina](#)
Subject: March 17 planning commission meeting for tree processing- concern from neighbor
Date: Tuesday, March 17, 2020 11:57:30 AM

Dear Council,

Thank you for your leadership these past 17 months. You continue to listen to your community you represent, and give us one more wonderful reason to come home and rebuild. Thank you for hearing the concerns of neighbors regarding the tree processing proposal on the Anderson property on Skyway.

My property shares a property line with this property (145 Jay Bird Lane). Since the fire we relocated our property markers, only to have equipment operators hired from Anderson to prepare the property for industrial use, come over the property line and cover up/destroy our shared markers. I do not have confidence that our land will be respected as it has not thus far. I do not hold ill feelings, but am concerned about this location.

I was concerned when it was proposed for a concrete processing site earlier in our clean up, and my concerns remain. This property was first zoned as green space and then was later rezoned as residential, but there is a reason that it is not industrial or commercial. Please honor that zoning and the residents that have purchased property based on that zoning, and currently live there or are rebuilding. This would set a precedence for future commercial and industrial use of not only this property but others. It is essential in the rebuild of our community that we think to the future repercussions of the decisions we make now. I know this may be perceived as "not in my backyard," but this doesn't need to happen in ANY Paradise residents backyard. Many industrial zoned properties have lost their businesses, and it would be a win-win to propose using an already correctly zoned business/industrial property to serve the town as a whole, the business land owner/economy, and the residential properties and those living on them. A great example of one of these properties is the worm farm on Neal road. It is far from any residence.

Processing trees is not a process that is free of health risks, and the residence of Paradise do not deserve to be living near this contamination. Small dust particles often cause lung irritation and decrease lung capacity. My entire neighborhood is 60 years old or older, or have small children, both who are at high risk.

On a final note, this is a plot of land that is the first impression as people enter Paradise. This is not good for morale. What's worse than seeing the beloved trees of Paradise cut down, is the reminder of how devastating it was everytime one drives up the skyway.

Our town can do better. Many decisions have had to be made quickly, but I encourage the council to not make hasty decisions that will hurt it's residents, when there are alternatives.

Thank you for hearing my concern.

Sincerely, Jaime Happ

From: [Karl Boles](#)
To: [Volenski, Dina](#); [Hartman, Susan](#)
Subject: Town Of Paradise Planning Commission Meeting, 3/17/2020 Comments Log Storage Yard
Date: Monday, March 16, 2020 8:54:47 PM

Town Of Paradise, Planning Commission

This is an email concerning the temporary use permit for Anderson Brothers Corp. PL19-00383 as advised to send per Dina Volenski's Planning Commission Meeting announcement for 3/17/2020.

The Blue Oak Terrace Mutual Water Co. (BOTMWC) is highly concerned with the extremely contaminated dust that will be generated by hauling wood to and from, and cutting/chipping/grinding wood within the proposed Anderson Brothers logging operation.

The engineering map makes note of the center of the operation being 1,500 ft. from any Blue Oak Terrace (BOT) subdivision residence. True, for the center of the map. Why the 1,500 ft. is even being noted is unknown and suspicious. The BOTMWC facilities, water supply and water tank reservoirs, based on that map location, are a slightly shorter distance, from the center of the project site. The fact of the matter is that distances should be measured from property borders, and the BOTMWC facilities of concern are only 200 ft. from the nearest border of this proposed project.

The Town of Paradise (TOP) is well aware of the contamination caused by fires as addressed in its Title 8 Health & Safety Chapter 8.59 Removal of Fire Damaged Debris from Private Property Following the Camp Fire. In Sec. 8.59.010 Emergency Findings, Paragraphs H.-L. the strong potential for contamination to the public and the environment is presented. As stated throughout the paragraphs, the debris and ash can contain hazardous substances, exposure can result in significant health issues, and that the release of these toxic substances are well documented. This hazardous and toxic debris and ash is not only on the residue products of homes, but on the ground as well as on trees, particularly tree bark which is likely saturated with these highly hazardous substances. To the point of the severity of the contamination, per Paragraph J. "Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies."

Sec. 8.59.020 Paragraph H. Defines a Temporary Log Storage Yard. In that paragraph it is stated that "No structural fire debris or hazardous materials may be brought onto or stored in the yard including any that may have been deposited on logs or vegetation." That statement exemplifies that the TOP is well aware that logs and other wood materials can have hazardous chemicals deposited on them.

Which immediately brings to question:

- 1) As this logging operation is for private citizens, what procedures does the TOP have to help individuals prevent suffering toxic contamination while cleaning their own lands?
- 2) The Temporary Log Storage Yard Project Description suggests the potential for very high volumes of traffic hauling potentially hazardously contaminated wood materials. What procedures are in place to prevent the spread of these contaminated materials from vehicles hauling wood while traveling along TOP and/or County roadways?
- 3) The Temporary Log Storage Yard Project Description and the TOP Removal of Fire Damaged

Debris Code does not specify how to, or describe any procedures that are in place to, verify that every tree accepted for the logging operations is free of any hazardous materials, as required by code as stated above. What are those procedures?

Although these questions may be dismissed, the fact remains that air pollution is an extreme concern for us as our water facilities are relatively close by. Cutting of a couple of trees that are contaminated may not be a problem, but here, we're discussing the potential problems that 1,000's of contaminated trees or other wood materials may produce in a localized area. Even though there are some minor procedures listed, and that the operator needs to follow, it only would take one accidental release to potentially contaminate the BOTMWC system. Why would the TOP put an operation such as this in an area that has quite a few surviving homes around it, relative to the rest of the town, and subject them to the potential hazardous problems is not understood. The potential hazardous toxicity to people of this operation is apparently of no concern or just being ignored.

The Blue Oak Terrace Mutual Water Co. fully realizes the importance of getting our Paradise cleaned up. The issue is just one, is this the most effective location for all the potential problems it can and probably will cause?

Thank you for your time, and appreciate being able to email this considering what is going on.

Karl Boles

President / General Manager

Blue Oak Terrace Mutual Water Co.

From: [Mike Cosentino](#)
To: [Bolin, Greg](#); [Bolin, Greg](#); [Hartman, Susan](#); [Volenski, Dina](#); [Volenski, Dina](#)
Subject: Proposed Logging Site
Date: Monday, March 16, 2020 5:29:26 PM

Good afternoon,

I am writing in reference to the proposed temporary logging storage and processing yard on Butte County parcels numbers 051-230-047, 054, 055, 051-240-011 and 012 within the town of Paradise.

My concern is that of safety.

I was wondering if anyone has done a Traffic Study. I personally have been driving Class A vehicles for more than 35 years now. Having an 80,000lbs truck, 75 feet long traveling down the Skyway at 45-50mph and then trying to turn onto the Cross Road is undoubtedly going to cause accidents or even worse. It will take more than two football fields in length to slow that vehicle down enough to make that turn. The turn itself is so tight I have a hard time in my pick up truck with a small trailer. And forget about it if there is another vehicle trying to come off the Cross Road onto the Skyway heading to Chico. The Cross Road is not a suitable road in size for a semi-truck. Then we have the problem of that same truck now wanting to cross the Skyway to head up towards Paradise, crossing 50-55mph traffic to get over and unload at the site.

The site is also lacking ingress and egress lanes to accommodate a semi. There is no way a truck will be able to merge onto the Skyway at 50mph coming out of the planned site.

Why wouldn't the use of the Tuscan Ridge Golf Course be a logical site for such a project? They have already figured out the traffic issue, no one lives anywhere near the golf course. It already has a parking area set up.

I truly hope that the traffic piece has been factored in. I'm not sure how you would make this site practical to be bringing in logging trucks. Please consider my safety issues when making the decision to allow this site on the Skyway.

Thank you
Mike Cosentino
105 Tuscan Drive
Paradise Ca 95969

From: [Mike Cosentino](#)
To: [Hartman, Susan](#); [Bolin, Greg](#)
Cc: [Volenski, Dina](#)
Subject: Re: Proposed Log Site
Date: Monday, March 16, 2020 5:01:00 PM

Good afternoon,

It was brought to the attention of the Blue Oaks Terrace Home Owners Association that a committee was recently formed calling themselves the "Blue Oak Terrace Advisory Committee". This committee is not in any way affiliated with the Blue Oaks Terrace Home Owners Association. The BOTHOA does not share the same views as this committee.

Thank you

Mike Cosentino
President Blue Oaks Terrace Home Owners Association

From: [Nick Herrera](#)
To: [Volenski, Dina](#)
Cc: [Hartman, Susan](#)
Subject: Planning Commission Hearing 3-17-2020
Date: Sunday, March 15, 2020 11:20:17 AM

Please submit my below concerns to the commission.

To the Planning Commission

I am asking for you to consider rejecting the proposal for the Skyway wood storage and processing plant. I oppose the proposal for the following reasons:

First, the project proposes a health and safety risk to the residents and motorists in the area. This type of industrial operation would produce sound, air, soil, water, and visual pollution. The Skyway location is directly adjacent to not only my home, which survived the camp fire, but also to one of the only subdivisions that was not completely destroyed by the fire. Out of 31 pre existing homes, Blue Oak Terrace has 24 homes which are still currently occupied and some under construction.

Also near by, some of the cross roads condominiums are still in tact as well as some homes which existed and are being rebuilt on and near Neil Rd, just to name a few areas.

Next, this property is designated in the Town's general plan as "Scenic Highway Corridor". It is along one of the towns three existing gateways. This particular gateway connects Chico to Paradise. The other two gateways, Clark and Neal, already have industrial sites. It is imperative to entice the rebuilding of our residential areas so the commercial can eventually return and the Town can self sustain again. Having industrial sites at every gateway will no doubt deter quality growth of the Town.

Additionally, the proposed site does not have the proper ingress or egress, deceleration or acceleration lanes off the high speed traffic. The operation will have slow heavy trucks entering and exiting the Skyway causing a hazard to all motorists. There are plenty of suitable sites in already designated industrial areas with the proper ingress and egress for this type of operation.

Next, With the storage of the already dried out wood, this would undoubtedly provide a concentration of fire fuel.

Moreover, the developer seems to have little regard for the problems and hazards created by his projects. After the camp fire, he took the opportunity to completely strip the land of both burnt and living trees and bushes, processing them onsite with no consideration for the environment causing air, water, and noise pollution. He had inadequate erosion control and took no measures to control dust and debris from the clearing and tub grinding operation. To my knowledge there is not PID water service or at both locations to provide dust control or Fire Protection. Additionally, he had previously planned to process concrete and metal on that site. Many expressed their concerns and luckily that was stopped. If you go down Neal Rd past the dump you can see a concrete processing operation. There are still mountains of contaminated concrete piled high. The developer also started a wood processing operation between the Skyway's, that was all done without permits. As previously mentioned, the wood processing causes a large amount of debris. The last time I looked, he still had not cleaned up the mess from that small un-permitted wood processing operation. I would hate to see the residual from an abandoned large wood processing operation.

I know he is asking for a temporary use permit, but many times extensions are granted and things can become permanent.

Finally, I am aware that when he previously proposed a plan to process concrete at this site, he offered the Town a portion of his profits. I hope this is not the case again trying to sway a vote in his favor.

I believe it is the will of the Town to enhance our community and not degrade it with a unsightly industrial projects at the entrance of our Town. The developer is very capable of providing residential housing. He has built out several subdivisions. If he wants to enhance our Town, his talents would be very beneficial providing housing that can repopulate.

For all the above reasons, I am strongly oppose to placing this project in the Skyway area. A more suitable location to place this operation would be an industrial area. Thank you for your consideration,

Nick Herrera
45 year resident of Paradise
Engineering Contractor

Sent from my iPhone

From: [Hartman, Susan](#)
To: [Volenski, Dina](#)
Subject: FW: Planning Commission Hearing For Request for PL19-00383 Anderson Brothers Corp. Temporary Use Permit
Date: Thursday, April 09, 2020 12:20:31 PM
Attachments: [Log Storage & Processing Yard letter to the Town.docx](#)



Susan Hartman
Community Development Director
Town of Paradise
(530) 872-6291 ext. 114
shartman@townofparadise.com

From: Pam Hartley <pamhartley@sbcglobal.net>
Sent: Tuesday, March 17, 2020 5:07 PM
To: Hartman, Susan <shartman@townofparadise.com>; dvolensky@townofparadise.com
Subject: Planning Commission Hearing For Request for PL19-00383 Anderson Brothers Corp. Temporary Use Permit

Hello,

I understand that the March 17, 2020 Planning Commission Meeting may be postponed and that residents are encouraged to email comments to you prior to the meeting.

Please see the attached, which are my comments and concerns regarding the Anderson Brothers Corp. Temporary Use Permit.

Thank you,

*Pam Hartley, Confectioner
Joy Lyn's Candies
Paradise, CA
530-520-8867*

March 2, 2020

Town of Paradise
5555 Skyway
Paradise, CA 95969

To:

Town Manager, Lauren Gill
Development Services Department, Susan Hartman
Mayor, Greg Bolin
Vice Mayor, Michael Zuccolillo
Council Member, Melissa Schuster
Council Member, Jody Jones
Council Member, Steve Crowder

From:

Pam & Bill Hartley
136 Jade Lane
Paradise, CA 95969

RE: PL19-00383 Anderson Brothers Corp. Temporary Use Permit – “Log Storage & Processing Yard”

We are requesting a formal hearing on the Use Permit for the proposed “Log Storage & Processing Yard” on Skyway. We are requesting the hearing to express our deep concerns for this project as follows.

- The proposed site of the “Log Storage & Processing Yard” off Skyway as you enter the Town of Paradise is an inappropriate use of the land for safety, traffic and environmental reasons.
- The property is zoned RR, which is Rural Residential. It is not zoned for commercial or industrial use.
- Allowing this type of Use Permit would set a precedence for use of land that is not zoned for commercial or industrial use.
- This project would cause dangerous environmental impacts to the entire area and neighborhood for the wetlands, erosion, water quality, noise, dust and fire hazard.
- Even though this project is supposed to be “temporary” there are no assurances that if the project is not completed on time that an extension would be granted and set precedence for land to be used in violation of the zoned usage and detriment to the environment.
- The property owner, Dan Anderson, has already demonstrated that he is an irresponsible and neglectful property owner because over the years he failed to clear the large overgrown brush, weeds, and dead trees that helped ignite our neighborhood. And then after the fire, he clear cut and graded the property without proper permits causing environmental impacts, toxic dust and

noise at all hours. With this type of behavior, why would Mr. Anderson adhere to any standards and requirements of this Use Permit?

- Since Mr. Anderson has already disturbed the area without proper environmental studies and permits, we are concerned about the environmental impact to the creek that runs through our property. We would like an environmental study be started to determine the environmental impacts to the land and water.
- Our property value has decreased because of the clear cutting and grading Mr. Anderson has already completed. Having a “Log Storage & Processing Yard” in our backyard would decrease our value and desirability of our neighborhood substantially.
- There are other more suitable areas in Paradise that are zoned properly for commercial and industrial use that can be used for log storage and processing that would not impact the environment, traffic and our neighborhood.
- This is the “Gateway” to our community and an eye-sore log storage and processing yard is not the image of Paradise that we want to project to our residence and visitors. This is not the proper use of this land, temporary or not.

We are calling for a public hearing on this issue.

Sincerely,

Pam & Bill Hartley

pamhartley@sbcglobal.net

hartleybill@sbcglobal.net

From: [Hartman, Susan](#)
To: [Theresa Mcdonald](#)
Cc: [Volenski, Dina](#)
Subject: RE: Anderson Brothers Corp, Temporary Use Permit (PL19-00383) Application
Date: Tuesday, March 17, 2020 4:07:00 PM
Attachments: [image002.jpg](#)

Ms. McDonald,

We no longer anticipate having a quorum for tonight's Commission meeting. As such we are making preparations to open the meeting at 6pm in order to postpone all agenda items to the next regularly scheduled Commission meeting (April 21st). You're welcome to watch online on our website at townofparadise.com (there's button at the top of the home page to watch meetings live) or you can still come in person, though if all +/25 seats in the building are taken you'll be asked to wait outside.

We appreciate you taking the time to provide comments regarding the proposed Anderson Temporary Use Permit and will make sure they are included in the Commission's April agenda packet.

Thank you,



Susan Hartman
Community Development Director
Town of Paradise
(530) 872-6291 ext. 114
shartman@townofparadise.com

From: Theresa Mcdonald <tmcdonald120@yahoo.com>
Sent: Tuesday, March 17, 2020 4:02 PM
To: Hartman, Susan <shartman@townofparadise.com>
Subject: Anderson Brothers Corp, Temporary Use Permit (PL19-00383) Application

I am contacting you regarding the Planning Commission Meeting of 3/17/2020 to discuss this application. I am a property owner on Russell Drive

My major concern is the traffic impact such a development would have on traffic on the Skyway. Since the project would be processing logs coming down Skyway, every truck would be required to slow significantly in order to make the left hand turn onto Crossroads to cross over and reach the entrance to the yard. How is that going to be handled, without running the risk of collision of huge trucks pulling heavy loads with resident's cars as they drive up and down Skyway to Chico? How will it impact the delivery of modular homes or manufactured homes that are coming up Skyway from Chico or Highway 99?

I saw the comments from the Blue Oaks Terrace group, and objections to many other property owners in the area. I don't know when Anderson Brothers Corp. acquired the property in question, but they knew the zoning was residential not industrial. I ask you to reject the application. The residents of the Town of Paradise have enough to put up with already, with skyrocketing building costs, water service problems, utility connection delays and building permit issues. Those of us who may still be considering rebuilding on our properties in the immediate neighborhood

of the project do not deserve to have the added reasonable concerns about pollution, traffic, erosion thrust upon us. We certainly don't deserve to have the incredible additional fire risk such a project would pose to our properties. After all, isn't part of the Town's purpose in considering the project to be able to get burned trees out of town because they pose an unnecessary fire hazard? Please reject this project. While it might be appropriate in a commercial zone, it is not appropriate in a residential neighborhood.

Thank you,
Theresa McDonald
5044 Russell Drive
Paraside, CA 95969

Mailing Address
Theresa McDonald
1832 Knights Ferry Dr.
Plumas Lake, CA 95961

From: Paul Farsai
To: Hartman, Susan; Volenski, Dina
Cc: Jim Flanegin; alledford33@gmail.com; fspm@fullservicemanagement.net; mssadessa@aol.com; brian@airehartinc.com; shelley_14@hotmail.com; rhw45@sbcglobal.net; timothyearlwilliams@gmail.com; nanaloves7@att.net; Peggy Evanson; "homeinsteadchico@gmail.com; bbowen1744@yahoo.com; kalanirivera@gmail.com; kimfreedle@gmail.com; hudsons95969@gmail.com; dale@cwelectrical.com; wpcamusi@comcast.net; alledford@gmail.com; desiandtony@comcast.net; klnm6724@gmail.com; shaggwe@gmail.com; gshirley123@hotmail.com; larrymohlenpage@yahoo.com; wendy@executivehomeschico.com; lisa_borchert@hotmail.com; joannelougarris@att.net; candy5977@gmail.com; harding10@comcast.net; terriakers@gmail.com; sholtom@ocesd.net; tlmhook@yahoo.com; suebowpv@aol.com; eganpainting@gmail.com; amber@jesuscenter.org; lnmvrick@hotmail.com; karl.boles@att.net; karl.boles55@gmail.com; Paul Farsai; Brent Moore; emily holtom; Cosentino Mike; Clay Carter; Nathan & Emily Vail; Shawn; chenoarivera@gmail.com; Dan Roberts; rwulbern@yahoo.com; Debbi Neves
Subject: RE: Notice of Pending Temporary Use Permit.-Information
Date: Saturday, March 14, 2020 1:28:54 PM
Attachments: [image003.jpg](#)
[image005.png](#)
[mem_comment_letter_response_anderson_log_storage_yard_temporary_use_permit_BLM_03142020_\(002\).pdf](#)
Importance: High

Hi Susan and Dina,

Please see attached **BLUE OAKS TERRACE NEIGHBORHOOD ADVISORY COMMITTEE RESPONSE TO TEMPORARY USE PERMIT REQUEST PL19-00383 ANDERSON BROTHERS CORP. TO ESTABLISH TEMPORARY LOG STORAGE AND PROCESSING YARD ON BUTTE COUNTY ASSESSOR'S PARCEL NUMBERS: 051-230-047, 054, 055, 051- 240-011 & 012 WITHIN THE TOWN OF PARADISE** for Planning Commission consideration.

Regards,

Paul Farsai
Broker; President



Cell 530-342-7337

Fax 415-762-1355

www.CATopBrokers.com

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CA BRE # 01787279

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arising from its use. Thank you. HOV-121

From: Hartman, Susan <shartman@townofparadise.com>
Sent: Friday, March 13, 2020 3:46 PM
To: Paul Farsai <paul@catopbrokers.com>
Subject: Re: Notice of Pending Temporary Use Permit.-Information

Paul,

While the meeting cannot be postponed at a staff level and as of yesterday the meeting is still scheduled to go on, to accommodate the situation the meeting will be live streamed on our website at townofparadise.com. If you have written comments about the Anderson Temporary Use Permit that you would like to submit for Planning Commission consideration, please email those in to myself or the Town Clerk, Dina Volenski, at dvolenski@townofparadise.com before 5:00 p.m. on Tuesday and we'll make sure they get them. We will let them know how many requests for postponement we've received as well.

Plans for the Tuesday meeting may change between now and Tuesday so please feel free to check back in.

Thank you for reaching out,

Susan Hartman
Community Development Director
Town of Paradise

From: Paul Farsai <paul@catopbrokers.com>
Sent: Friday, March 13, 2020 3:27:22 PM
To: Hartman, Susan <shartman@townofparadise.com>
Cc: joannelougarris <joannelougarris@att.net>; alledford33@gmail.com <alledford33@gmail.com>; Brenda Bowen <bbowen1744@yahoo.com>; Peggy Evanson <peggy@catopbrokers.com>
Subject: FW: Notice of Pending Temporary Use Permit.-Information

Hello Susan,

We are respectfully requesting that you postponed the 17th meeting at least 30 days because of the Corona Virous situation so we feel comfortable to attend and voice our opinion on the Anderson request.

Regards,

*Paul Farsai
Broker; President*



Cell 530-342-7337

Fax 415-762-1355

www.CATopBrokers.com

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Comment Letter

**BLUE OAKS TERRACE NEIGHBORHOOD ADVISORY COMMITTEE RESPONSE TO
TEMPORARY USE PERMIT REQUEST PL19-00383 ANDERSON BROTHERS CORP.
TO ESTABLISH TEMPORARY LOG STORAGE AND PROCESSING YARD ON
BUTTE COUNTY ASSESSOR'S PARCEL NUMBERS: 051-230-047, 054, 055, 051-
240-011 & 012 WITHIN THE TOWN OF PARADISE**

To:	Susan Hartman, Community Development Director Town of Paradise Development Services Department 5555 Skyway Paradise, CA 95969	From:	Paul Farsai, Homeowner Blue Oaks Terrace Neighborhood Advisory Committee
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Date: March 14, 2020

**Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to
Town of Paradise Consideration to Issue a Temporary Use Permit
under the Urgency Ordinance Number 590 adopted December 10,
2019, amending the Municipal Code Chapter 8.59-Removal of Fire
Damaged Debris from Private Property following the Camp Fire**

Thank you for the opportunity to comment on the Anderson Brothers Corporation request to establish a Temporary Log Storage and Processing Yard under the provisions of the Urgency Ordinance Number 590, amending Paradise Municipal Code Chapter 8.59-Removal of Fire Damage Debris from Private Property following the Camp Fire which sets forth administrative and review requirements for the issuance of Temporary Use Permits under the Urgency Ordinance.

The following comments are meant as guidance for the Town of Paradise in administering the Municipal Code and giving consideration to issue a Temporary Use Permit to Anderson Brothers to establish and operate a Temporary Log Storage and Processing Yard adjacent to the Blue Oaks Terrace Neighborhood, and the information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will adversely impact the public health, safety, convenience or create undue traffic hazards or result in significant environmental impacts, 4) assess whether the current information and reports submitted to the Town concerning establishment and operation of a Temporary Log Storage and Processing Yard fully discloses the impacts of the proposed project and effects on surrounding residential neighborhoods (Blue Oaks Terrace), 5) assess the need for conditions to be applied to the Temporary Use Permit if approved and issued to reduce impacts to a level that it comports with Municipal Code Chapter 8.59, if necessary. The following paragraphs are organized by findings the Neighborhood Advisory Committee identified and comments on the adequacy of information

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

presented to support approval of the requested Temporary Use Permit to meet the data requirements and the analysis to support the Town's decision regarding the Temporary Use Permit and subsequent establishment and operation of a Temporary Log Storage and Processing Yard. Blue Oaks Terrace Neighborhood Advisory Committee would request the Town consider the following findings for justification to deny the requested Temporary Use Permit. Or if the Town wishes to approve the requested Temporary Use Permit, we request the following data and analysis prior to the Town approving the issuance of the requested Temporary Use Permit.

MUNICIPAL CODE CHAPTER 8.59 / URGENCY ORDINANCE 569 - NO LONGER VALID

The requested Temporary Use Permit by Anderson Brothers Corporation is based on the authority granted to the Town Manager or his/her designee to issue Temporary Use Permits under the Urgency Ordinance Number 590 adopted in December of 2019 and amending the Town's Municipal Code Chapter 8.59-Removal of Fire Damaged Debris from Private Property Following the Camp Fire. The Urgency Ordinance 590 declared the following findings in justifying the urgency of the ordinance, and the ability of the Town to expand the available immunities from liability for response-related activities and suspend the law which would normally control land uses such as the Town's Zoning Code, General Plan Policies required by California Government Code, etc....

- Ordinance necessary for immediate preservation of the public peace, health, and safety
- Conditions of extreme peril to the safety of persons and property within the town were caused by the Camp Fire, commencing on the eighth day of November 2018
- California Government Code Section 8630 et seq. empowers the director of emergency services to proclaim the existence of a local emergency when the town is affected or likely to be affected by a public calamity, subject to ratification by the town council at the earliest practicable time
- The ordinance goes on to declare over ten citations of clauses reciting the circumstances that legally justify the emergency proclamation and the Urgency Ordinance 590.

The Urgency Ordinance 590 invokes *California Government Code 8630 et. seq* as the state enabling legislation that grants the Town authority to adopt Urgency Ordinance 590. This same Government Code also sets forth the obligation of the Town regarding administration of local emergency to renew the emergency proclamation under which the Urgency Ordinance 590 is created. As stated in the *Emergency Services Act, Article 14, Section 8630 of the California Government Code* (Proclamation by local governing body; Duration; Review):

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

“(a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.

(b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the governing body.

(c) (1) The governing body shall review, at its regularly scheduled meetings until the local emergency is terminated, the need for continuing the local emergency. However, in no event shall a review take place more than 21 days after the previous review. (2) Notwithstanding paragraph 1, if the governing body meets weekly, it shall review the need for continuing the local emergency at least every fourteen (14) days, until the Local Emergency is terminated.

(d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.”

In accordance to the above instructions and administrative requirements of the Town regarding emergency proclamations and on-going validating of urgency ordinances is predicated upon the Town Council reviewing and declaring the local emergency is continuing every 14 days. The Town Council has not reviewed the current conditions and made the necessary findings that the Town conditions are the same and thus require the need for continuing the local emergency status. Thus, based on California Government Code the Urgency Ordinance 590 being used to issue the Temporary Use Permit is no longer valid and the declared local emergency is terminated by statute.

To further support that the Emergency Proclamation is no longer in effect and valid due to the lack of circumstances that constitute an emergency by definition of “Emergency” made in the *California Public Resources Code, Division 13. Environmental Quality, Chapter 2.5 Definitions, Section 201060.3* which states:

“Emergency means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. “Emergency” includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.”

This definition “limits an emergency to an occurrence” not a condition, and the occurrence must involve a clear and imminent danger, demanding immediate action. An occurrence is something that occurs, happens, or takes place, an event or incident like the Camp Fire. A condition is a

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

mode or state of being. A state of being may consist of many occurrences. For example, burnt trees is the condition of a live tree being burned by fire, such as in the occurrence of the Camp Fire. The condition of burnt trees after a wildfire is an expected outcome and does not constitute an emergency occurrence, but rather a predictable and manageable condition.

Thousands of acres of burnt pine trees are left behind by wildfires in California, yet the state has never declared the cutting down burnt trees, grinding, and processing to wood chips an emergency occurrence that requires immediate action under an Emergency Proclamation/Urgency Ordinance. Based on the length of time between November 8, 2018 (Camp Fire) and March 17, 2020, (Public Hearing for Temporary Use Permit) a period of sixteen (16) months to request and act on a Temporary Use Permit to establish and operate a temporary log storage and processing yard, does not lend itself to immediate need resulting in an emergency action required under an urgency ordinance adopted pursuant to Local and State Government Emergency Proclamations. There is no forest management practice protocol nor urban forest management protocol that calls for the immediate action of cutting down and chipping burnt trees after a wildfire, and no known statistics of hazards risks to the public from falling burnt trees that rise to the magnitude that would compel an emergency immediate action of approving a temporary log storage and processing yard sixteen (16) months after the emergency occurrence.

California Government Code Section 8630 (d) "The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant." The Town is compelled to terminate the local emergency as soon as practicable. It has been over sixteen (16) months since the Camp Fire and the Town is well on its way to recovery with public utilities back up, building permits issued and new home construction under way. The Presidential Emergency Proclamation for the Camp Fire has been terminated in accordance to 50 U.S. Code Section 1622. National Emergencies. (d) Automatic Termination of National Emergency, Continuation Notice from President to Congress; Publication in Federal Register. At the August 8, 2019, Town of Paradise Recovery Report Card Meeting, Tina Walker, Cal OES Acting Assistant Director for Recovery, announced that physical debris removal is 75% complete and should be completed by the end of September 2019. She also noted that the Camp Fire recovery process is moving along at a much quicker rate than other similar incidents in Australia and Texas. Tina Walker also stated that plans are being implemented to *"stand up a tree removal program to move forward with getting those hazardous trees off your properties."* Based on the above factors it is clear the emergency is over, and the current conditions warrant emergency termination.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town make the following Findings and Deny the Request for a Temporary Use Permit based on the following:

- Urgency Ordinance No. 590 and Town Municipal Code Chapter 8.59 – “Removal of Fire Damaged Debris from Private Property Following the Camp Fire”, is No Longer Valid and is terminated in conjunction of the emergency proclamations terminations
- Emergency Proclamation occurs only during the response phase when the facts support the declaration or proclamation and requires immediate response and action
- Town Council did not review the need for continuing the local emergency every 14 days as required by *California Government Code 8630*, to support the Urgency Ordinance 590 and continue the need for such urgency ordinance.
- Town Council declared Urgency Ordinance 590 was necessary for immediate preservation of public peace, health, and safety based on the Camp Fire Emergency and the Camp Fire Emergency is over in accordance to the definition of “Emergency” established by *California Public Resources Code, Section 201060.3*
- The circumstances that legally justified the Urgency Ordinance 590 no longer exist
- Issuance of the requested Temporary Use Permit would be an improper suspension of zoning laws, Town General Plan, regulatory statutes, orders, rules, or regulations and abuse of the Town’s police powers
- The Town no longer qualifies for immunities under the *Emergency Services Act, California Government Code Section 8655*, and will be liable for discretionary actions in issuance of a Temporary Use Permit

Should the Town still find the Urgency Ordinance 590 Valid and not Concur with the Blue Oaks Terrace Neighborhood Advisory Committee, Please Consider the Following:

TOWN LIMITED TO FIVE (5) TEMPORARY LOG STORAGE YARD LOCATIONS

The Urgency Ordinance 590 limits the number of temporary log storage yards to a maximum of five (5) yards within the incorporated area of the Town of Paradise (*Town Municipal Code, Chapter 8.59.080 Temporary log storage yards, (A) Maximum Number of Sites. The number of temporary log storage yards shall be capped at a maximum of five for the incorporated area of the Town of Paradise*). Based on a preliminary Windshield survey of major roads within the

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Town of Paradise the Blue Oaks Terrace Neighborhood Advisory Committee identified twenty-two (22) Temporary Log Storage Yards in operation on March 6, 2020 at the following locations:

- South side of 5649 Jewel Road
- Next to 5604 Jewell Road
- 771 East Oak Street
- South of Scottwood Road and Pearson Road
- 5686 Scottwood Road
- 6480 Clark Road
- South side of Easy Street and Clark Road
- 1117 Noffsinger Lane
- 5365 Clark Road
- 1617 Pearson Road
- American Way and Clark Road
- 5276 California Way
- 5501 Libby Road
- 1405 West Dottie Lane
- 5319 Libby Road
- 6480 Clark Road
- Lovely Lane and Clark Road
- 8585 Clark Road
- 7088 Clark Road
- Foothill Lumber Company off Wagstaff Road

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- 6280 Pentz Road
- Northwest corner of Pentz Road and Merrill Road

See following Photo Log of existing Log Storage Yards located in the Town of Paradise.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

TOWN OF PARADISE TEMPORARY LOG STORAGE YARDS PHOTO LOG



Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

TOWN OF PARADISE TEMPORARY LOG STORAGE YARDS PHOTO LOG



Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

TOWN OF PARADISE TEMPORARY LOG STORAGE YARDS PHOTO LOG



Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

TOWN OF PARADISE TEMPORARY LOG STORAGE YARDS PHOTO LOG



By the Urgency Ordinance 590 directive, the Town is responsible to ensure only five (5) Temporary Log Storage Yards are in operation within the incorporated town limits. Due to the fact that the Town already has over twenty-two (22) or more operating Temporary Log Storage Yards, the Anderson Brothers Corporation request for a Temporary Use Permit to establish and operate another Temporary Log Storage and Processing Yard is prohibitive.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town make the following Findings and Deny the Request for a Temporary Use Permit based on the following:

- No new Temporary Use Permit for a Temporary Log Storage Yard is permissible under the Urgency Ordinance 590, until such time the Town has less than five (5) Temporary Log Storage Yards

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- Based on Windshield Surveys of the Town of Paradise, and evidence presented by the Blue Oaks Terrace Neighborhood Advisory Committee the Town cannot verify current compliance of only five Temporary Log Storage Yards operating within the incorporated limits of the Town as stipulated by the Urgency Ordinance 590.
- Until such time the Town's Zoning Code Enforcement can shut down illegal Temporary Log Storage Yards and verify and validate the existence of only four (4) legal operating Temporary Log Storage Yards no fifth permit can be issued.
- Anderson Brothers Corporation request for a Temporary Use Permit to establish and operate a Temporary Log Storage Yard is denied due to issuance of such requested permit will exceed the maximum number of five (5) Temporary Log Storage Yards allowed within the Town limits.

TEMPORARY LOG STORAGE AND PROCESSING YARD PROJECT NOT EXEMPT FROM CEQA

The Urgency Ordinance 590 declares the ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA). *(Town Municipal Code, Chapter 8.59.130 CEQA exemption. Adoption of this chapter is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code.*

California Public Resources Code Exemptions from CEQA

California Public Resources Code Section 21080(b)(3) states "Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code."

California Public Resources Code Section 21080(b)(4) states "Specific actions necessary to prevent or mitigate an emergency."

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Findings Pursuant PRC 21080 (b) (3) and (4)

The proposed discretionary action of approving and issuance of a Temporary Use Permit under the Urgency Ordinance 590 does not qualify nor meet the requirements of *California Public Resources Code Section 21080(b)(3)*. The Anderson Brothers Corporation Temporary Log Storage and Processing Yard is not proposed to “maintain”, “repair”, “restore”, “demolish”, or “replace” property or facility damaged or destroyed as a result of disaster. The Log Storage and Processing Yard did not exist prior to the Camp Fire. The proposed project is a new land use and activity that did not exist prior to the Camp Fire, thus it cannot be maintained, repaired, restored, or replaced, making this new Log Storage and Processing Yard subject to CEQA.

The Urgency Ordinance 590 also sites subsection (4) *Specific actions necessary to prevent or mitigate an emergency*, as another reason for exemption from CEQA. Again, as previous stated earlier in this Comment Letter this project does not meet the definition of “Emergency”. An “Emergency” is defined by the *California Public Resources Code, Division 13. Environmental Quality, Chapter 2.5 Definitions, Section 201060.3* which states:

“Emergency means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. “Emergency” includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.”

This definition “limits an emergency to an occurrence” not a condition, and the occurrence must involve a clear and imminent danger, demanding immediate action. An occurrence is something that occurs, happens, or takes place, an event or incident like the Camp Fire. A condition is a mode or state of being. Moving burnt logs and storing them to process them into wood chips is not an “emergency occurrence” but rather is a condition and a process to manage the condition of burnt logs as a result of the Camp Fire emergency occurrence. The activity of running a Temporary Log Storage Yard neither prevents nor mitigates a future wildfire occurrence in Paradise, but rather is a commercial activity designed to profit those who engage in such activity. The primary purpose of the Log Storage Yard is “Profit” to the Anderson Brothers Corporation and shows no linkage/connection to mitigating nor preventing a future wildfire “emergency” occurrence.

15269. Emergency Projects – Statutory Exemption to CEQA

The Urgency Ordinance 590 also utilizes the *California Code of Regulations, Title 14 Natural Resources, Division 6 Resources Agency, Chapter 3 Guidelines for Implementation of the California Environmental Quality Act (CEQA), Article 18 Statutory Exemptions, Section 15269 (a)*

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

The following emergency projects are exempt from the requirements of CEQA.

(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.

Findings Pursuant to Section 15269 (a).

The proposed project involves the establishment and operation of a new Temporary Log Storage and Processing Yard for the purpose of generating profit by processing burnt logs to wood chips. Wood chips will be sold as a commodity to the biomass solid fuel market, or the raw material market for producing wood pulp, or for organic mulch in gardening, landscaping, restoration ecology, bioreactors for denitrification and as a substrate for mushroom cultivation. The proposed project does not involve any of the factors called out in the Statutory Exemption 15269 (a) as discussed previously. Statutory Exemption 15269, Emergency Projects, was intended for projects that are required to replace/restore/repair/maintain property or facilities that existed prior to the emergency occurrence, not new development and commercial activity proposals such as that being requested by the Anderson Brothers Corporation to establish and operate a Wood Chip Operation.

In no way does the Anderson Brothers Corporation Project have a public interest component required for this Emergency Exemption to CEQA. The project does not protect the health, safety, and welfare of those within the surrounding area of the project or serve any benefit to the surrounding residents or public in the Town of Paradise, it is simple a private commercial endeavor designed to profit the Anderson Brothers Corporation. The project does not repair any property or facility which has public interest or is needed to protect the health and welfare of Paradise residents. Because the proposed project clearly is not an emergency project and is not proposed to fill an immediate need to protect the health and welfare of the local population, the project will result in a "discretionary action," of the Town of Paradise which requires full CEQA documentation and disclosure. Because the proposed project cannot meet the definition of an "emergency" project as defined by the *California Public Resources Code*, it does not meet the test nor qualify as an emergency project to protect the public health, safety, and welfare, and does not qualify for statutory exemption from CEQA, pursuant to Section 15269, claimed in the Urgency Ordinance 590.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town make the following Findings and Deem the Temporary Use Permit Application Incomplete and Notify the Applicant, Anderson Brothers Corporation the need for an Appropriate CEQA document be prepared (MND, IS/MND, or EIR) based on the following:

- The proposed Temporary Use Permit does not qualify for a CEQA Exemption and is deemed a Project under the CEQA Guidelines requiring an appropriate CEQA document to allow the Town's consideration of the requested Temporary Use Permit to allow the establishment and operations of a Temporary Log Storage and Processing Yard.

INFORMATION REQUIRED TO MEET SUBSTANTIAL EVIDENCE REQUIREMENT OF URGENT ORDINANCE 590

Under the Urgency Ordinance 590/*Town Municipal Code 8.59.070 – Temporary uses associated with removal of fire damaged debris*; it states the following:

“B. The director or his/her designee may authorize such temporary storage use based on substantial evidence that:

- 1. The temporary storage use shall not adversely impact the public health, safety, or convenience or create undue traffic hazards or congestion.*
- 2. The temporary storage use shall not adversely interfere with the permitted use of other land uses and activities on the site or in the general vicinity.*
- 3. The temporary storage use shall be conducted in a manner compatible with the land uses in the general vicinity.*

C. The director may establish such additional conditions as necessary to ensure land use compatibility and to minimize potential negative impacts, including but not limited to hours and frequency of operation, temporary arrangements for parking and circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following the temporary storage use.”

The following suggested scope of work is recommended by the Blue Oaks Terrace Neighborhood Advisory Committee to prepare necessary data and analysis that will address the number of potential impacts to public health, safety or convenience or create undue traffic hazards or congestion outlined above in section *B 1 of the Urgency Ordinance 590*, that may be

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

deemed significant, including aesthetics, light, and glare; air quality; biological resources; cultural and historic resources; energy; hazards and hazardous materials; hydrology and water quality; noise; public services and public utilities; recreation; seismicity, soils, and geology; fiscal impact, and transportation and circulation. The following paragraphs are organized by topic area for data adequacy and analysis requests required to meet the data and the analysis to support the Town's required review and findings of no harm documentation for the proposed project. The Blue Oaks Terrace Neighborhood Advisory Committee would request the following analysis to provide the Advisory Committee with the necessary information to ensure the project is compatible with the Blue Oaks Terrace neighborhood and achieves the environmental performance expectations adopted by the Town of Paradise and Butte County, and complies with the above provisions of the Urgency Ordinance 590:

Health Risk Assessment

The Urgency Ordinance 590 requires the Town make the finding that the proposed Temporary Log Storage and Processing Yard will not adversely impact public health. To date the applicant Anderson Brothers Corporation, nor the Town have evaluated health risks associated with the proposed project nor prepared a Health Risk Assessment of the proposed project to allow a determination of health risks caused by the proposed activities of processing burnt and charred wood at the project site.

The residents of the Blue Oaks Terrace Neighborhood will experience immediate exposure to burnt timber, and the ash and char that accompany the fire-damaged wood. Ash and char from forest fires can be complex mixtures that will vary depending on the temperature of the fire and will need evaluation prior to approval of the Temporary Use Permit. Char is composed of a variety of carbon-based compounds, which are formed at lower fire temperatures, some of which may be carcinogenic. As char is only partially combusted wood, char dust will remain combustible. Higher-temperature fires will also result in wood ash (calcium carbonate), which is no longer combustible but is a lung irritant. The Camp Fire was reported as an extremely high-temperature fire so it is assumed residents will be exposed to wood ash.

Char dust and wood ash are both much finer than wood dust and will be easily breathable and transport longer distances impacting nearby residents; long-term, repeated exposures at high concentrations have the potential to cause respiratory illness. Short-term health effects from exposure to wood char and ash can include eye, nose, and throat irritation, coughing, and allergic reactions. In the long term, exposure may lead to more serious health issues, including lung diseases such as chronic obstructive pulmonary disease (COPD) in accordance to Cal OSHA.

As with any kind of respiratory hazard, associated with a proposed project the Town must

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

evaluate the exposure and minimize it with appropriate control measures as conditions to the Temporary Use Permit during the review and approval process. Conditions of Approval for the Temporary Use Permit cannot be devised until such time a Health Risk Assessment Report is prepared and data analyzed to recommend effective conditions and allow the Town to make the findings that such conditions will protect the health of nearby residents and workers at the project site.

Processing of burnt and charred wood and the particulate matter that gets suspended in the air which can travel great distances have been documented as a major source of lung irritant. Wood dust associated with chipping operations has been documented by Cal OSHA to be associated with health issues due to natural chemicals in the wood.

Requested Town Action and Findings

Exposure to wood dust has been associated with health issues due to the natural chemicals in the wood, or substances in the wood such as bacteria, molds, or fungi, which a Health Risk Assessment will document. Wood dust is also associated with toxic effects, irritation of the eyes, nose and throat, dermatitis, and respiratory system effects which include decreased lung capacity and allergic reactions. Exposure to wood dust may irritate the eyes, nose, and throat. Nearby residents and project site workers may also experience shortness of breath, dryness and sore throat, conjunctivitis (inflammation of the mucous membranes of the eye), and rhinitis (runny nose).

Respiratory system effects include decreased lung capacity, and allergic reactions in the lungs such as hypersensitivity pneumonitis (inflammation of the walls of the air sacs and small airways), and occupational asthma. Hypersensitivity pneumonitis may develop within hours or days following exposure and is often confused with cold or flu symptoms because it begins with headache, chills, sweating, nausea, breathlessness, etc. Tightness of the chest and breathlessness can be severe, and the condition can worsen with continued exposure. Some hypersensitivity pneumonitis conditions may be caused by molds that grow on the wood (and by not the wood itself). Many of the pines found in Paradise are known wood varieties that have a clear association with the development of asthma.

Based on the distance to the nearest location of sensitive receptors (existing residences immediately adjacent to the project site) and the project size, potential health risks and hazards to nearby offsite receptors during project construction (from diesel construction equipment) and operations (char dust and wood ash) a Health Risk Assessment should be prepared that will qualitatively address the health risk issues associated with the proposed Temporary Log Storage and Processing Yard.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

The requested Health Risk Assessment should provide technology overview and the timber industry design standards adopted to reduce hazards and risk of upset to an acceptable level. A review of the adequacy of the fire safety and suppression systems should also be documented in the requested Health Risk Assessment. The Town should prepare a public health screening level risk assessment. This screening level assessment characterize the public health effects of the operations and in the event of an upset such as fire. To determine the worst-case public health impacts for this analysis the Town should assume that the log storage and processing yard fire suppression system would activate but not control the fire outbreak. The primary pollutants released due to an upset scenario at the log storage yard would be CO₂ and CO along with lesser amounts of other compounds, including the chemicals released by the fire.

The analysis of toxic air contaminants should be conducted and based on significance criteria prioritization method developed by the California Air Pollution Control Officers Association (CAPCOA) in consultation with the California Air Resources Board (ARB) and Office of Environmental Health Hazard Assessment (OEHHA) as part of the implementation of the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Air Toxics "Hot Spot" Act, Health and Safety Code §44344.4(c)). The significance criteria used by the prioritization method is based on a Total Score (TS) for chronic and acute impacts. The thresholds are based on the application of several conservative air dispersion modeling scenarios coupled with air pollutant toxicities as reported by OEHHA and the EPA.

The assessment for the proposed project should be based on readily available documentation and plans, as well as telephone interviews with agency representatives. The Town should work with Anderson Brothers Corporation to provide information regarding all hazardous materials that will be used and stored on-site (including burnt log char and ash dust), as well as information on proposed hazardous material storage and handling systems. Toxicity information for each hazardous material should be obtained from publicly available databases in conjunction with the public health analysis. The evaluation of the potential for and human health effects of accidental releases of hazardous materials will take into consideration the guidelines for technical management of chemical process safety, use of dispersion models, and other information available from the American Institute of Chemical Engineers (AIChE) Chemical Center for Process Safety (CCPS). Also, technical guidance for hazard analysis by the US Environmental Protection Agency will be used as applicable.

To perform the assessment identified above, the Town should obtain relevant data from land use maps, the Town General Plan. Data collection efforts should focus on the identification of sensitive receptors (medical clinic, hotel, schools, public buildings, parks, walking trails, residences, and day care facilities) located within a three-mile radius of the proposed project. A drive-by survey should be conducted for the land use analysis to generally confirm the land use data obtained from other sources is accurate and validated. Data from all these sources, plus

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

information gathered for the hazardous materials handling and air quality analysis, should be incorporated in the public health risk assessment of the proposed project.

Physical and chemical characteristics of the air pollutants associated with the proposed log storage and processing yard should be obtained from the scientific literature. Information on a pollutant's carcinogenic potency should be collected from the appropriate regulatory agencies (e.g., CAPCOA, US Environmental Protection Agency, OEHHA) and the scientific literature, including publicly available databases, such as the Integrated Risk Information System (IRIS) or Hazardous Substances Database (HSDB). In addition, acute, sub chronic, and chronic toxicity information should be obtained for each of the air pollutants from both regulatory agencies (CAPCOA, US Environmental Protection Agency, OEHHA) and the scientific literature.

Sources of information to be researched and incorporated into the health risk assessment should include a current Phase I Environmental Site Assessment, and background data related to the Town's General Plan. These resources will be used to determine areas of potential contamination on the project site or surrounding property, if any which could impact residences should the proposed Temporary Use Permit be approved.

The potential for these materials to be released to the environment must be evaluated, documented and findings made concerning the public health and safety of Paradise residents. The significance of potential impacts must be determined, and conditions of permit approval recommended to minimize potential adverse impacts, in compliance with the Urgency Ordinance 590. For purposes of the requested health risk assessment and analysis, it should be assumed that the handling of hazardous substances associated with burnt logs would occur in accordance with applicable federal, state, and local regulations.

Aesthetics – Light and Glare

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town evaluate the proposed project's aesthetics, light, and glare impacts on surrounding areas. Project aesthetic impacts should be evaluated through a reconnaissance-level survey of the project site and surrounding areas that includes the use of photographs to document existing conditions. Future conditions should be documented with architectural elevations, renderings, and plans provided by Anderson Brothers Corporation showing the log stacks, equipment, and processing area if available, visual simulations or other computer-generated images of the proposed project. In addition, the proposed project's aesthetics characteristics should be assessed in relation to General Plan policies, Zoning Ordinance requirements, and the Town's design standards for commercial / industrial operations and the covenants conditions, and restrictions (CCRs) associated with surrounding parcels regarding architectural and building standards to ensure

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

compatibility with the surrounding neighborhood and developments. Since the proposed project area is currently undeveloped and consists of woodlands, pasture lands, and wetlands for the most part, lighting of the night sky may be an issue of concern for current residents. Conditions of approval for the Temporary Use Permit should be recommended, if necessary, to reduce any significant impacts of light and glare.

The Blue Oaks Terrace Neighborhood Advisory Committee would like to request the Town to work with the Advisory Committee identifying key observations points (KOPs) of the project from Blue Oaks Terrace and determine the sensitivity of the viewers from these KOPs to provide supporting record for their conclusion. To assess the projects potential impacts on visual resources the view areas most sensitive to the project's potential visual impacts must be identified. KOP's are usually along commonly traveled routes or at other likely observation points (residential homes, users of the walking trails). Factors that should be considered in selection of key observation points are angle of observation, number of viewers, and length of time the project is in view, relative project size, season of use, light conditions, and distance from the project. KOP's should also be discussed regarding potential mitigation measures and how KOP's geography will affect the ability to mitigate to a less than significant level.

The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town make an analysis of the visual impacts based on evaluation of the "after" views provided by a computer-generated visual simulation, and their comparison to the existing visual environment. In making a determination of the extent and implications of the visual changes, consideration should be given to:

- The changes in the affected visual environment's composition, character, and any specially valued qualities
- The affected visual environment's context
- The extent to which the affected environment contains places or features that have been designated in plans and policies for protection or special consideration
- The numbers of viewers, their activities, and the extent to which these activities are related to the aesthetic qualities affected by the likely changes

The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town apply the basic principles of design in the resolution of visual impacts concerning the proposed Temporary Log Storage and Processing Yard Project. The basic philosophy underlying visual quality of a landscape depends on the visual contrast created between a project and the existing landscape. The contrast should be measured by comparing the project features with the major features in the existing landscape. The basic design elements of form, line, color, and texture should be

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

used to make this comparison and to describe the visual contrast created by the project. The assessment process recommended by the Blue Oaks Terrace Neighborhood Advisory Committee provides a means for determining visual impacts and for identifying measures to mitigate these impacts and meets the “substantial evidence” rule of subdivision (e) Section 21080 of the Public Resources Code and the intent of the Urgency Ordinance 590 to ensure any approved Temporary Log Storage Yard is compatible to surrounding land uses and does not impact “convenience” of surrounding properties.

Soil Conservation Analysis

The proposed project site has been stripped of vegetation and graded in preparation for establishing and operating a Temporary Log Storage Yard. In addition, the use of the property as a Temporary Log Storage Yard will compact the soil. The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town prepare a soil conservation analyses and focus on the removal of vegetation, disturbance of the soil, and attendant wind and/or water-caused erosion. Blue Oaks Terrace Neighborhood Advisory Committee understands the compaction of the soils on the proposed project site by the operations of the Temporary Log Storage Yard could substantial increase flooding, erosion, or siltation which must be considered and addressed in making the decision to approve the Temporary Use Permit.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town analyses also address the agronomic, ecologic, and economic impacts to soil through water and wind erosion. The Town should also document the existing and base physical and chemical characteristics of the project site and vicinity soils readily available including topography, parent material, depth, horizons, structure, texture, color, pH, bulk density, organic matter, drainage and permeability characteristics, land use, and vegetation cover to establish the base for restoration standards upon termination of the Temporary Log Storage Yard. The Advisory Committee requests the Town Identify proposed conditions for the Temporary Use Permit with effectiveness measurements of each condition with discussion of avoidance of sensitive areas, timing of construction activities, minimizing removal of vegetation, soil stabilization, revegetation, runoff retention, drainage diversions, sediment types, soil amendments, orientation to prevailing wind, windbreaks, dust control for the Advisory Committee’s review and comment. The Advisory Committee also requests the Town establish a monitoring and compliance verification measures to ensure that the objectives are met, and all conditions of the Temporary Use Permit are complied with.

Air Quality

Requested Town Action and Findings

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

The Blue Oaks Terrace Neighborhood Advisory Committee request the Town make the activation of the Temporary Use Permit predicated upon the issuance of air quality permits by the Butte County Air Pollution Control District. Blue Oaks Terrace Neighborhood Advisory Committee requests the Town address air quality issues which include the potential impacts from the construction and vehicle emissions generated by the proposed project and the cumulative impacts from other air emission sources nearby. The Town should compare these impacts to the national and state ambient air quality standards with special emphasis on sensitive populations (e.g., school, motel/hotel, nursing homes, residences, medical centers) in the impact area. The Town should also assess if the proposed project complies with applicable air quality emission regulations and the goal of the Town's General Plan regarding reduction in adverse air quality emissions for the project. The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town's approach to evaluating the proposed projects effect on public health and safety in accordance to the Urgency Ordinance 590 should include the following documentation and analysis:

- Emissions from the various project elements would be subject to the rules and regulations of the Butte County Air Pollution Control District depending upon the type of emissions activities and development components.
- Local and regional climate data (temperatures, precipitation, wind speeds and wind direction, relative humidity, etc.).
- Attainment status for both state and federal air quality standards for pollutants such as PM10, NO2, CO, Ozone, and SO2.
- A summary of the current background air quality based upon existing monitoring data in the project area.
- A summary of applicable air quality regulations, and a regulatory compliance analysis indicating how compliance will be achieved for each identified rule or regulation and permits.
- Climatology and meteorology in the project area.
- The project location using a 1:24,000 topographic map.
- The area's attainment status and the most recent three (3) years of ambient air quality data.
- Emissions of concern as they relate to the proposed project would be primarily classified as follows: (1) vehicle-related emissions associated with mobile sources on site and

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

nearby roadways; (2) construction-related and operational-related fugitive emissions (dust, wood ash dust, wood char dust) during operations of the Temporary Log Storage Yard activities and equipment exhaust emissions; and (3) stationary source emissions.

- The Advisory Committee requests the Town model the air quality impacts of the proposed project to determine the ambient air quality impacts. These impacts should be presented as text, in tabular form, and on a 1: 24,000 topographic maps with concentration contours. The impacts should be compared to ambient air quality significance levels and ambient air quality standards. The Town should ensure Anderson Brothers Corporation submits models and modeling procedures that are approved by the Butte County APCD.
- Identification of the direct and cumulative ambient air quality impacts of the proposed project and any air emission sources within six miles of the project. The cumulative impacts should be added to representative ambient air background concentrations and compared to the ambient air quality standards to determine if the project causes or contributes to violations of these standards. The impacts should be presented as text, in tabular form, and on a 1: 24,000 topographic maps with concentration contours.

Biological Resources

The Town must make findings regarding Biological Resources which state the following: *Town Municipal Code Chapter 8.59.080 - Temporary log storage yards. Subsection C. Standards. All temporary log storage yards shall meet the following standards: 8. Biological Resources. Temporary log storage yards shall not be located on lands containing wetlands, and/or endangered and protected plants and animal species. A biological report shall be furnished to the community development department demonstrating that the site does not contain wetlands and/or endangered or protected plants and animal species. A temporary log storage yard shall not expand without providing a site plan and a biological report to cover the expanded area.*

Anderson Brothers Corporation retained Gallaway Enterprises to prepare a Preliminary Wetland Assessment of the proposed project site and Gallaway Senior Biologist Elena Gregg conducted a preliminary wetland assessment of US Army Corps of Engineers (Corps) jurisdictional waters of the United States (WOTUS) on January 29, 2020 on the proposed project site consisting of five parcels (APN 051-230-047, 051-230-054, 051-230-055, 051-240-011 and 051-240-012) totaling approximately 42-acres located along the southwestern boundary of the Town of Paradise, Butte County, CA.

The Gallaway Report did not utilize Waters of the State Standard in reviewing the proposed project site and only based their evaluation on Corps Wetlands Standards. The Waters of the State (WOTS) regulations were recently approved by the Office of Administrative Law and will

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

become effective on May 28th of 2020. The state of California considers any water or wet spot on the ground within the proposed project site a water of the state, "*The State are starting with 'yes it is' and you have to find one of the exclusions to take it out.*" It's not just that Anderson Brothers Corporation will need a permit because California defined waters of the state very broadly; it's that if the Town is going to approve the project, Anderson Brothers Corporation and Gallaway Enterprises must conduct a study relative to the impact on waters of the state and not just the nation, which now requires Gallaway to conduct an alternatives analysis. The current report submitted to comply with the Urgency Ordinance and document no impact on biological resources is not data adequate. The Town must consider the alternative analysis and establish conditions on the Temporary Use Permit to ensure no locations on wetland and the final site plan also complies with State Regulations of choosing the least damaging alternative, and the Town must require mitigation potentially, in accordance to the new State rules. The Advisory Committee asks the Town to deem the Temporary Use Permit Application incomplete and request that Anderson Brothers Corporation contract with a qualified biologist to address the data adequacy problem of Biological Resources.

Requested Town Action and Findings

The Blue Oaks Neighborhood Advisory Committee requests the Town prepare a new wetlands inventory to meet all State regulations within the proposed project area being considered for the Temporary Log Storage and Processing Yard (42 plus acres), as compliance to the Urgency Ordinance 590 to allow the Town the ability to set conditions for the Temporary Use Permit and establish a preservation strategy of natural resources and wetlands within the proposed project area. The inventory should consist of two key components: a database of existing information compiled for individual wetlands sites located within the proposed project area which conforms to the new requirements of the California Regional Water Board for protection of waters of the state as will become effective May 28, 2020, and an evaluation of the significance of individual wetlands sites or wetlands complexes with a full alternative analysis as required by the State of California. The inventory should provide input to the selection of key conservation sites for the proposed project site plan and should also act as a source of information on which resource managers, planners and project managers can make more informed decisions. After important sites have been identified and protected, it will be necessary to ensure that appropriate management measures are implemented for these sites within the proposed project area or as conditions of the Temporary Use Permit. A range of different options to achieve this end should be developed. The Wetlands Inventory should provide a useful and comprehensive database and resource inventory to the management and planning of resources in the proposed project area.

Wetlands can be associated with a suite of functions and values which they perform in a natural landscape setting. These functions vary in importance depending upon their position in the

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

landscape and the surrounding land use. For land use decisions contemplated with the proposed issuance of a Temporary Use Permit to allow a Temporary Log Storage and Processing Yard, it is critical that individual wetlands be characterized with respect to their values, and targeted for preservation if necessary regardless of whether they are waters of the US or waters of the state.

The Blue Oaks Terrace Neighborhood Advisory Committee request the Town utilize a Geographic Information Systems (GIS) application with a set of preservation protocols to model the relative importance and opportunity for a wetland to perform any one of five different functions in the landscape. Functions should be limited to sediment control, bank stability, water quality improvements, habitat, and flood control. The GIS application should combine land use/land cover data with National Wetlands Inventory information. A set of criteria should define a suite of possible rankings based on wetland type, adjacent land use or proposed land use within the proposed project area (42 plus acres), position in the watershed, and external factors within the region which may influence the ability of a wetland to perform a function (wetlands functions include water quality improvement, habitat quality, flood buffering, bank stability, and sediment control). These criteria should be determined with simple GIS techniques. The GIS model output should create a database suitable for land use planners and managers to assist in their planning activities associated with the proposed establishment and operations of a Temporary Log Storage and Processing Yard. The goal of the GIS Wetlands Preservation Targeting Model is to develop a tool for the assessment of wetlands, and the identification of the most important wetlands for restoration or preservation and document compliance with the Urgency Ordinance 590 requirements regarding avoidance of impacts to wetlands.

The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town's analysis of the biological resources within the proposed project area considers potential significant impacts to plant and animal species and their habitats. The following data adequacy requests are made of the Town to provide the Advisory Committee adequate data to allow a full evaluation of the biological resources of the proposed project area (As Required by Urgency Ordinance 590) and supplement the Gallaway Preliminary Summary Biological Report which does not address adequately the potential impacts to identified resources as a result of implementing the proposed Temporary Log Storage and Processing Yard:

- Provide a discussion of the existing site conditions, the expected direct, indirect and cumulative impacts due to the construction, operation and maintenance of the proposed project, the measures proposed to mitigate adverse environmental impacts of the proposed project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- A regional overview and discussion of biological resources, with particular attention to sensitive biological resources near the proposed project area, and a map at a scale of 1:100,000 (or some other suitable scale) showing their location in relation to the project.
- A discussion and detailed maps at a scale of 1:6,000, of the biological resources at the site of the proposed project and related facilities or log storage and processing yard operations, and in areas adjacent to them, out to a mile from the site. Include a list of the species actually observed and those with a potential to occur. The discussion and maps shall address the distribution of community types, denning or nesting sites, population concentrations, migration corridors, breeding habitats, and the presence of sensitive biological resources.
- A description of all studies and surveys used to provide biological information about the project site, including seasonal surveys and copies of the California Department of Fish and Wildlife's Natural Diversity Data Base Survey Forms, "California Native Species Field Survey Forms", and "California Natural Community Field Survey Forms", completed by the Anderson Brothers Corporation or their biological consultant. Include the dates and duration of the studies, methods used to complete the studies, and the names and qualifications of individuals conducting the studies.
- A discussion of all permanent and temporary impacts to biological resources from site preparation, construction activities, and Temporary Log Storage and Process Yard operations. Discussion of impacts must consider impacts from wood ash and chard dust drift, and from the use and discharge of water during construction and operation. For portion of the site which will use watering to cool log stacks, wood chip piles, dust suppression or other purposes or take or discharge water directly from or to natural sources, discuss impacts resulting from entrainment, impingement, thermal discharge, effluent chemicals, type of pump (if applicable), temperature, volume and rate of flow at intake and discharge location, and plume configuration in receiving water.
- Provide complete discussion of all measures proposed to avoid and/or reduce any adverse impacts.
- Provide discussion of all measures proposed to mitigate any adverse impacts, including any proposals for off-site mitigation.
- Outline and identify any educational programs proposed to enhance employee awareness in order to protect biological resources during establishment and operations of the proposed Temporary Log Storage and Processing Yard.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- Provide a discussion of compliance and monitoring programs proposed to ensure the effectiveness of Temporary Use Permit conditions incorporated into the proposed Temporary Log Storage and Processing Yard Project.
- Provide a discussion of native fish and wildlife species of commercial and/or recreational value that could be impacted by the proposed Temporary Log Storage and Processing Yard Project.
- Identify the potential and quality of habitat on and surround the proposed project area for sensitive biological resources: Species listed under state or federal Endangered Species Act; or Resources defined in sections 1702 (q) and (v) of Title 20 of the California Code of Regulations.
- Make a finding, verify and validate that the proposed project area does not contain species or habitats identified by legislative acts as requiring protection.
- Prepare Tables which identify laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, and permits applicable to the proposed project area, and a discussion of the applicability of each. The table or matrix should explicitly reference pages in the Temporary Use Permit Application or other submittals for the Temporary Log Storage and Processing Yard wherein conformance, with each law or standard during both construction and operation of the proposed Temporary Log Storage and Processing Yard is discussed.
- Tables should also identify each agency with jurisdiction to issue applicable permits and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the Town to issue a Temporary Use Permit under the Urgency Ordinance 590.
- Provide a discussion of the conformity of the proposed Temporary Log Storage and Processing Yard with the requirements listed in the Tables called out above regarding laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans and permits.
- Provide the name, title, phone number, and address, if known, of an official within each agency who will serve as a contact person for the agency regarding compliance with biological resources permits or conditions of approval for the Temporary Use Permit issued under the Town's Urgency Ordinance 590.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- Provide a schedule indicating when permits outside the authority of the Town will be obtained and the steps the Anderson Brothers Corporation has taken or plans to take to obtain such permits to activate the Temporary Use Permit and be in compliance with all permits and the mandates of the Urgency Ordinance 590 regarding biological resources stewardships.

Land Use Compatibility

The Urgency Ordinance 590 requires the Town to evaluate the compatibility of the proposed Temporary Log Storage and Processing Yard to surround existing land uses. The Town Municipal Code states the following requirements: "*Chapter 8.59.070 - Temporary uses associated with removal of fire damaged debris. B. The director or his/her designee may authorize such temporary storage use based on substantial evidence that:*

2. The temporary storage use shall not adversely interfere with the permitted use of other land uses and activities on the site or in the general vicinity.

3. The temporary storage use shall be conducted in a manner compatible with the land uses in the general vicinity.

C. The director may establish such additional conditions as necessary to ensure land use compatibility and to minimize potential negative impacts."

The Blue Oaks Terrace Neighborhood Advisory Committee has not seen or been provide any land use compatibility analysis for the proposed Temporary Log Storage and Processing Yard. The Advisory Committee requests the Town fully understand all aspects of the proposed project affecting the use of land, including required easements or other agreements affecting private property and CCR's on the proposed project site parcels or parcels surrounding the proposed project area. Typically to protect an industrial land use, such as that proposed with the Temporary Log Storage and Processing Yard, from conflicting land uses Operations, Sound, Air Space and Access Easements are required for property surrounding the industrial site hosting the Temporary Log Storage Yard. No discussion has been presented of how the proposed Temporary Log Storage and Processing Yard will impact existing surrounding land uses or if easements will be required to implement the establishment and operations of the industrial use.

The proposed Temporary Use Permit will allow and promote increased industrial activity on a vacant parcel of land planned for rural residential development, which is entirely surrounding by low-density residential land uses, sensitive commercial uses with motel/hotel, and medical center facilities. Thus, residents living in the vicinity may be subject to potential significant impacts associated with increased general industrial operations associated with a Temporary Log Storage and Processing Yard allowed by the proposed approval of a Temporary Use Permit

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

under the Urgency Ordinance which has suspended land use regulations which would normally protect property owners from conflicting and incompatible land uses. Residents will be subjected to noise, vibrations, fumes, dust, wood ash, wood char dust, mold, fungi, bacteria, fuel particles, and safety hazards associated with operations associated with the industrial use and activity of a Temporary Log Storage and Process Yard. No data has been provided to verify, support, or confirm the requirements of the Urgency Ordinance for the proposed project not adversely interfere with the permitted use of other land uses, be compatible with land uses in the vicinity, and minimize potential negative impacts.. Increased industrial operations as a result of implementing the proposed Log Storage and Processing Yard, may be considered a nuisance by the residents. In addition, the Town Temporary Use Permit Application and Information provided on the Anderson Brothers Corporation request does not discuss how the proposed project is consistent with other plans such as the Towns General Plan, Towns Housing Element, Regional Housing Allocation Plan, Short Range Transit Plan, and the Regional Transportation Plan.

In evaluating land use issues, the Blue Oak Terrace Neighborhood Advisory Committee recommends the Town evaluate the consistency/compliance of the project with Federal, state, regional, and local land use plans, and regulations, as well as consider the site plan for the proposed Temporary Log Storage and Processing Yard compatibility with the existing and planned land uses in the vicinity. In addition, the Site Plan for the proposed project should be reviewed for conformance with all the spatial requirements set out in the Urgency Ordinance 590 and a Memo providing certification of compliance.

The Town should fully understand all aspects of the proposed project affecting the use of land, including required easements, existing prescriptive easements or other agreements affecting private property. The existing residents residing adjacent to the proposed project area have established a right to a prescriptive easement along the creeks, water features, and woodlands of the project site. The rationale behind prescriptive easements is that long-time users of property can acquire a legal interest at the expense of property owners who have slept on their rights. Elements of a Prescriptive Easement in California, a user of land may establish a prescriptive easement by proving that his or her use of another's land was: (1) continuous and uninterrupted for five years; (2) open and notorious; and (3) hostile. By review of historical satellite images numerous walking paths can be identified that have been used historically. The proposed Site Plan must honor the prescriptive easements on the 42-acre proposed project area.

The first requirement is relatively straightforward. "Continuous" use means that the use occurred over a five-year period on occasions necessary for the convenience of the user. The residents surrounding the proposed project site have been using the walking paths on the project site property for both vehicle and pedestrian access to the wetlands, creeks, and woodlands, for the past 50 plus years. The residents use of this access has been continuous and year around. The

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

proposed project site, property owners, (Anderson) have failed to post the necessary signage under Civil Code Section 1008, stating "Right to Pass by Permission, and subject to Control, of Owner" prior to the residents use of this land ripening into a prescriptive easement (5 year period).

The second requirement "open and notorious" This means only that the use of the land is sufficiently visible that anyone who bothered to view it would be able to discover it. Generally, the use will be considered "open and notorious" as long as it is not hidden or concealed from the property owner. The easements along the creeks, wetlands, and woodlands of the proposed project site is noticeable to all the general public as it is worn into a pathway which is large and distinctive from the grass and vegetation growing elsewhere on the proposed project site. The pathway is visible from several adjacent roadways and from historical aerial photos of the 42-acre project area.

The final requirement is the use of the land qualifies as "hostile". Meaning the residents surrounding the proposed project site have used the land on the project site without the expressed permission of the project site property owner. Hostility is reflected in the fact that the property owners (Anderson) have proposed a site plan for the Temporary Log Storage and Processing Yard Project, that would re-take the land by adverse possession (by easement by prescription). In addition, in interviewing existing residents who use the easement it was stated that no permission was ever granted, it simply has always been that way.

The proposed Anderson Brothers Corporation Temporary Log Storage and Processing Yard Project has provided a site plan that does not allow pedestrian nor vehicle access on the existing pathways within the project site. The proposed improvements within the prescriptive easement area within the planning project area under the site plan as submitted, would be in jeopardy, until five years has passed, and the residents surrounding the project site (Easement Owners) failed to enforce their easement right in court.

If the Town and Anderson Brothers Corporation proposes to use these prescriptive easements as shown in the Site Plan, it must be taken back in the same manner as it was taken, which is an open, notorious, continuous, manner for five (5) years or more. Such self-help is tantamount to re-taking the land by adverse possession (by easement by prescription), and you have to take the land back in the same manner as it was taken from you, which is in an open, notorious, continuous manner for five years or more. "It is settled law that an easement, whether acquired through a grant, adverse use, or as an abutter's right, may be extinguished by the owner of the servient tenement by acts adverse to the exercise of the easement for the period required to give title to the land by adverse possession." Popovich v. O'Neal, 219 Cal. App. 2d 553, 556 (Cal. App. 5th Dist. 1963). See also, Glatts v. Henson, 31 Cal.2d 368, 370 [188 P.2d 745]; Rest., Property, § 506, p. 3090; 17 Cal.Jur.2d § 40, p. 149.). "Generally, a prescriptive easement once

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

acquired can be extinguished by actions of the servient tenement which satisfy the same elements required for the creation of the easement." Zimmer v. Dykstra, 39 Cal. App. 3d 422, 435 (Cal. App. 2d Dist. 1974).

If the proposed site plan and planning action is not modified to rectify the above identified issue it would constitute a significant impact to land use regarding the division of a community and be a violation of the Urgency Ordinance 590. This significant impact if not mitigated would require provide findings for the Town to deny the requested Temporary Use Permit due to the documented adverse interference the proposed project would create, which is forbidden by the Urgency Ordinance 590 because approval of the Temporary Use Permit would allow the proposed site plan to divide a community and allow adverse possession of the easements. Furthermore, the future disruption of the proposed Temporary Log Storage and Processing Yard having to demolish the pathways within the prescriptive easement, assuming the Easement Owners prevailed in court, would impact the character, design, and efficient use of the proposed project site. Town approval of the current site plan also will pit the existing residents against the property owner and applicant for the requested planning approval, making the Town potentially a party in the Easement Owners lawsuit to enforce their easement rights. The Town may be held liable for legal costs and damages of the Easement Owners in enforcing their easement rights because of the Town's decision in the matter to approve the site plan, Temporary Use Permit, under the Urgency Ordinance 590 adopted by authority of a terminated Emergency Proclamation, extending the end of the emergency beyond the requirements of the California Government Code 8630 as proposed.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee would recommend the Town prepare a Land Use Compatibility Analysis which addresses the prescriptive easements issues by ensuring the site plan has been incorporated to diminish any potentially significant impacts related to dividing a community or interfere unreasonably with the easement along the creeks, wetlands, and woodlands of the proposed project site.

Noise

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town address potential noise impacts and include potential impacts from construction and cumulative impacts from other projects and activities associated with the rebuilding and restoration of the community after the Camp Fire. The Town should compare estimated project noise in areas to be occupied by workers and at sensitive noise receptors to local, state, and Federal standards. The noise analysis should utilize information and maps developed for the land use compatibility analysis, including information on future developments in the study area, information from discussions with Town and Butte County staff, and the results of an early reconnaissance of the study area.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

The Town should use models that have been successfully employed on similar projects to estimate noise levels and predict changes in noise levels in the study area anticipated to be impacted by the Temporary Log Storage and Processing Yard operations.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee recommends the Town's approach to evaluation of noise impacts associated with the proposed Temporary Log Storage and Processing Yard operations should include the following:

- Identification of land uses in the planning study area, including sensitive receptors (residences, schools, parks, motels, medical centers, etc.). Conduct noise monitoring information.
- Identification of future land uses in the study area, and potential future projects in the study area.
- Identification of expected noise-producing construction equipment and noise-producing equipment during operations of the proposed Log Storage and Processing Yard.
- Identification of expected noise levels from each piece of construction and operating equipment; near-field data is required for employee exposure assessments and far-field data is required for community noise exposure assessments.
- Identification of noise levels that employees will be exposed to.
- Identification of expected composite noise levels (ambient plus project activity) at the site boundary and at the nearest noise-sensitive receptors resulting from construction, and operations as well as discussion of changes in noise levels caused by the proposed project.
- Discussion of potential cumulative impacts on existing and future land uses from the proposed Log Storage and Processing Yard, related infrastructure (such as acceleration and deceleration lanes on the Skyway) and other planned and foreseeable future projects in the vicinity that could produce noise; the logarithmic nature of decibel addition must be taken into consideration in assessing cumulative noise impacts.

Transportation Impacts

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

The Urgency Ordinance 590 requires the Town to determine the proposed Temporary Log Storage Yard will not create undue traffic hazards or congestion. Town Municipal Code states the following: “8.59.070 - *Temporary uses associated with removal of fire damaged debris.*

B. The director or his/her designee may authorize such temporary storage use based on substantial evidence that:

1. The temporary storage use shall not adversely impact the public health, safety, or convenience or create undue traffic hazards or congestion.”

To date the Blue Oaks Terrace Neighborhood Advisory Committee has seen no documentation or analysis of traffic impacts caused by truck traffic generated by the proposed Temporary Log Storage and Processing Yard being located off the Skyway. The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town prepare a traffic study. The Blue Oaks Terrace Neighborhood Advisory Committee would like to work closely with the Traffic Consultant and the Town in developing appropriate assumptions for the project. In addition to the roadway network impacts, the traffic analysis is assumed that the Traffic Consultant will include an assessment of internal circulation issues and constraints for the proposed project area. The Blue Oaks Terrace Neighborhood Advisory Committee would like to review the traffic study for environmental adequacy and compliance to the requirements of the Urgency Ordinance 590.

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town address traffic and transportation issues that include potential impacts from ingress/egress of truck traffic on the Skyway, together with cumulative impacts from other development projects. The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town to prepare a traffic model for the proposed project area and consider alternative access easements to the proposed project area to avoid ingress/egress off the Skyway. The Town should evaluate and analyze the workforce generated by Temporary Log Storage and Processing Yard activities and future business generation and employment. Considerations should include the number of round trips associated with the construction workforce and what impacts the additional workforce will have on the area, as well as traffic impacts resulting from new workers and contractors bring logs to the proposed project area. Public transportation and congestion management agencies should be consulted about the proposed project, if any, on transportation systems. The evaluation should also include analysis of applicable laws, ordinances, regulations, and standards that will be relevant to the proposed project traffic and parking.

Project trip generation volumes should be estimated for weekday and peak-hour conditions.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

- Trip Distribution and Assignment—Based on an analysis of the trip making characteristics of the proposed project, existing and future traffic flow patterns, origin/destination data obtained from the project applicant, area demographics of the trip distribution of project-generated traffic should be estimated. Traffic should be assigned to the existing street system based on logical travel patterns associated with this directional distribution (One Way Streets Associated with Skyway).
- Existing Plus Approved/Pending Projects Plus Project Conditions Analysis—The proposed project generated peak hour and daily trip volumes should be added to the derived Existing Plus Approved/Pending proposed project volumes, to obtain the Existing Plus Approved/Pending proposed project plus project traffic conditions. The potential level of service (LOS) impacts of the proposed project should be quantified, by comparison of existing plus approved/pending proposed project conditions to existing plus approved/pending proposed project plus proposed project conditions at all study area critical intersections and roadways.
- Project Access and On-Site Circulation—Proposed and potential project area/access roadways should be evaluated to determine appropriate configuration, location, and traffic control. Spacing with other intersections and roadways, and vehicle stacking requirements should be evaluated. In addition, project area pedestrian/bicycle safety concerns should be evaluated.
- Description of any new transportation systems/facilities including access roads and any significant improvements to existing transportation needed for construction and operation of the proposed project should be evaluated such as acceleration and deceleration lanes.

Solid Waste Facility Permit

The Urgency Ordinance 590 requires a Temporary Log Storage Yard operator to obtain a Solid Waste Facility Permit if its operations qualify. See the Town Municipal Code which states:
“8.59.080 - Temporary log storage yards.

C. Standards. All temporary log storage yards shall meet the following standards:

10. Butte County Public Health, Environmental Health Division Standards.

a. Depending on the activities performed on-site, the temporary log storage yard may be determined to be a solid waste facility. The facility operator must provide access to the facility and provide for review of the activities occurring at the facility to the local enforcement agency, Butte County Environmental Health, to determine if there exists a requirement to register for a

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

permit status as a solid waste facility in accordance with Title 14 of the California Code of Regulations.”

According to the Temporary Log Storage Yard Application submitted to the Town by Anderson Brothers Corporation the proposed project will operate seven days per week and will receive 285 logging trucks per day. The laws governing truck weight are in Cal. Vehicle Code §§35550 et seq. and permitting provisions are in Cal. Vehicle Code §§35780 et seq. Trucks and vehicle combinations transporting loads composed solely of logs are allowed to exceed the tandem axle limit by up to 1,500 lbs. for a maximum tandem axle gross weight of 35,500 lbs. Two consecutive sets of tandem axles are allowed a combined gross weight of up to 69,000 lbs. provided no axle exceeds 35,500 lbs. and the overall distance between the first and last axle of such consecutive sets of tandem axles is 34 feet or more (Cal. Vehicle Code §35552). Based on the maximum allowed combined gross weight of 69,000 lbs. per truck load and the proposed project will accept 285 trucks per day, will allow the proposed Temporary Log Storage and Processing Yard move 9,832 tons per day. This volume of wood debris chipping and grinding facilities qualifies the proposed Anderson Brothers Corporation Temporary Log Storage and Processing Yard as a “Full Permit” type Solid Waste Permit Facility and is subject to CalRecycle’s regulatory authority.

Butte County Environmental Health Department acts as the Local Enforcement Agency (sometimes referred to as LEAs) for CalRecycle/State of California and has the primary responsibility for ensuring the correct operation and closure of solid waste facilities and issuance of “Full Permit” for Solid Waste Facilities. This includes solid waste facility permitting, inspection and enforcement authority. CalRecycle reviews and concurs with the permit proposed by the Butte County local enforcement agency. This is done to ensure that the permit and the facility meet state minimum standards and all other applicable California laws and regulations.

California uses a “tiered” system of permits for solid waste facilities, including recycling and processing facilities. The system consists of five permit tiers for different facilities, depending upon the type, size and material accepted. The requirements range from “excluded” (that is, the facility is outside of the scope of the tiers) to a “full solid waste facility permit.” The proposed Anderson Brothers Corporation Temporary Log Storage and Processing Yard qualifies as a “full solid waste facility permit.”

Requested Town Action and Findings

The Blue Oaks Terrace Neighborhood Advisory Committee requests the Town conditions the approval of the Temporary Use Permit and authorization to proceed with the establishment of the proposed Log Storage and Processing Yard upon receiving the Solid Waste Facility – “Full

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

Permit" from the Butte County Environmental Health Department who acts as the LEA on behalf of the State of California and CalRecycle.

QUESTIONS UNANSWERED BY TOWN STAFF REPORT/INADEQUATE FINDINGS

The Town's Planning Commission should seek answers to the following as "findings of fact" required to support the decision to approve or deny a temporary use permit for the proposed Temporary Log Storage and Processing Yard:

1. Consider program characteristics such as staffing and supervision, hours of operation, debris type, facility capacity, length of daily operations, and any other factors which may have a bearing on the compatibility of the facility with the surrounding neighborhood.
2. Consider the design of the proposed facilities, log stacks, chip piles, etc.... is of a human scale, is in harmony with the surrounding area and not enormous in character.
3. Consider time horizons for the Temporary Use Permit for performance reviews, with the understanding that permits to continue use may be granted as long as operations prove compatible with neighborhood life. Develop specific standard criteria for periodic reviews.
4. As a condition of approval, Anderson Brothers Corporation should be required to name a liaison person to whom neighborhood residents can refer for exchange of information and expression of concern regarding the facility, both while an application for a development permit is being processed, and while the facility is in operation.
5. Anderson Brothers Corporation should prepare a fact sheet describing the proposal in terms of exact equipment used on site, hours of operation, number of personnel, number of deliveries and vehicle trips per hour and per day, size (height, width, length) of log stacks, and chip piles, monitoring for PM of wood ash and char dust, documentation of burnt logs and wood debris removal locations, level of supervision; referral process; and funding. Each of these characteristics should be made a condition of approval to limit future operational changes that could generate impacts not considered in this current proposal.
6. Anderson Brothers Corporation should provide contact person who can answer technical questions related to hazards associated with wood ash, char dust, and other chipping and processing practices in their facility.

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

7. Does Anderson Brothers Corporation have a program in place to eliminate the off-site contamination by fungus, bacteria, and molds on logs and drift of wood ash dust and char dust?
8. Does Anderson Brothers Corporation provide staff members annual training on the health and environmental effects of processing burnt logs?
9. Does Anderson Brothers Corporation provide annual education on waste management for employees? Please describe any education or training provided on handling and minimizing waste: (type of training, who receives, who provides, how often, documentation).

The Blue Oaks Terrace Neighborhood Advisory Committee would like to discuss the issues outlined above to determine appropriate scope and approaches to evaluating the consequences of the proposed Temporary Use Permit per the requirements of the Urgency Ordinance 590. We hope the Blue Oaks Terrace Neighborhood Advisory Committee can provide practical solutions and gain the data adequate to comply with the Urgency Ordinance 509 review and approval requirements for Temporary Use Permits.

Thank you for your attention in this matter. If you have any questions, please let me know.

Sincerely,

Paul P. Farsai

Paul Farsai, Blue Oaks Terrace Neighborhood Advisory Committee

Paradise, CA

530-342-7337

Paul@LandDevelopers.Land

March 14, 2020
Town of Paradise, Development Services Department
Page 38 of 38

Reference: Blue Oaks Terrace Neighborhood Advisory Committee Response to Anderson Brothers Corporation request for Temporary Use Permit to Establish and Operate a Log Storage and Processing Yard

March 1, 2020

Susan Hartman, Community Development Director
Town of Paradise
5555 Skyway
Paradise, CA 95969

Town of Paradise
Community Development Dept

MAR 04 2020

RECEIVED

Re: PL19-00383: Log Storage and Processing Yard

Dear Ms. Hartman;

We strongly object to the proposed use of this property on Skyway as a log storage and processing yard for the following reasons:

1. Our property is located at the end of Jade Lane, directly across from this piece of property on Skyway. Due to the fire we have an unobstructed view of this property and there is nothing to mitigate the sound of the heavy equipment needed for this proposed use. We had to endure the sunrise to sunset (and many times later) noise and dust for months when this property was cleared last year and we do not want to relive that experience.
2. Skyway is the main route between the Paradise/Magalia area and Chico. The proposed use of this property on Skyway would create a dangerous traffic hazard. Due to the number and size of the vehicles and equipment needed to transport logs and process them would require a lane closure that would create a noise and safety situation that is unacceptable.
3. Last year the owner of this Skyway property proposed that it be used as a debris processing and crushing plant. The Town Council denied that request as an inappropriate use of the property. A log storage and processing yard is no less an inappropriate use of this property!
4. A log storage and processing yard does not belong in a residential area of the Town. There are many, many areas in the Town limits and in the county that would be more appropriate for this operation where there are fewer or no homes. The people of Paradise have endured enough as a result of the Camp Fire and should not be subjected to more noise, dust, traffic danger and inconvenience.

The owner of this Skyway property seems determined to have his way in how this property is used and has absolutely no regard for the people who live in the area. He cleared the property and operated heavy equipment with no regard for the noise and dust generated. He wanted to put a debris processing and crushing site on the property with no regard for public safety, traffic hazards and quality of life for those of us still living in the area.

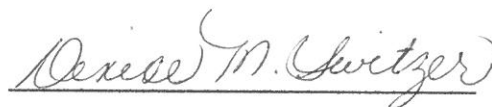
The goal for all of us in Paradise is to see the Town rebuild and prosper again. There are many residents that are rebuilding along Neal Road. There are many lots for sale along Neal Road. Does the Town of Paradise really expect residents to want to rebuild their homes where they can see and hear and suffer the inconveniences of a log processing lot on Skyway? Does the Town of Paradise really expect people to want to purchase property along Neal Road where they can see and hear and suffer the inconveniences of a log processing lot on Skyway if they build there?

This property on Skyway was not compatible for a debris processing and crushing plant and it is not compatible for a log storage and processing lot! We understand that the removal and processing of dead and dying timber in Paradise is a necessity and a storage and processing lot for that purpose is required. This property on Skyway is not the proper location for such an operation.

Please deny this use permit and show that the Town of Paradise cares for and has consideration for its property owners and residents in the immediate area and all of the people who use the Skyway.



Charles D. Switzer
145 Jade Lane
Paradise, CA 95969
872-2310



Denise M. Switzer
145 Jade Lane
Paradise, CA 95969
872-2310

Hartman, Susan

From: Robert Matthews <robertmatthews1@gmail.com>
Sent: Wednesday, March 4, 2020 10:48 AM
To: Hartman, Susan
Subject: Logging Mill Neal and Skyway

I understand there is a meeting on March 17 regarding a permit issued for a saw and logging operation. As I now live 500 miles from Paradise I will not be able to attend. Thus I am sending you this email in my stead.

I am currently rebuilding my house at 5410 Hickory Way. The home is around 70% completed and should be done by June. I have just been informed that some sort of a storage, logging operation is planned in my neighborhood. I have spent a great deal of time and money to get my new house where it is. I would not have done this if I knew that a logging and truck operation was being permitted so close to where my house is. Large diesel logging trucks and saws that cut up logs make an enormous amount of noise. Not only is there noise pollution but there would be an extreme amount of air pollution from the trucks and from cutting up burned and toxic logs.

At the bottom of this email is a link that shows you a small example of what kind of noise just a relatively small saw makes at a sawmill. You might want to look at it and do some searches for other examples.

This area of Paradise has quite a few new houses being built and more on the way. How many prospective home builders will change their minds once they realize that this kind of operation will be permitted in their neighborhoods? If I had known you were permitting this, I would not have started the rebuilding process. I would have taken the money and moved elsewhere. I strongly encourage the commissioners to consider this neighborhood and this location and that they do not allow this to proceed.

Sincerely

Robert Matthews
5410 Hickory Way
805-657-5510

<https://www.youtube.com/watch?v=hW6QhC-3LSM>
Saw mill operation link

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Robert Matthews
226 W Ojai Ave.
Suite 101 #513
Ojai CA 93023
805-657-5510



TOWN OF PARADISE

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Planning Commission Staff:

Susan Hartman, Community Development Director

Planning Commission Members:

Shannon Costa, Chair

James Clarkson, Vice Chair

Kim Morris, Commissioner

Stephanie Neumann, Commissioner

Anita Towslee, Commissioner

PLANNING COMMISSION

April 21, 2020

Attached are all the written comments that were received prior to the Planning Commission public hearing at 6:00 p.m. on Tuesday, April 21, 2020 regarding Agenda Item 4a – Log storage Facility.

The attached items were received after the Planning Commission agenda was posted.

From: [Dan Switzer](#)
To: [Volenski, Dina](#)
Subject: Anderson Brothers Construction proposed log storage and processing site use
Date: Friday, April 17, 2020 7:35:08 AM

D. Volenski:

Ms. Hartman:

In light of the COVID-19 situation and social distancing requirements I would like to make some additional points to my previous letter regarding Mr. Anderson's site proposal in the event that the April 21, 2020 Planning Commission meeting is cancelled or held without public presence.

As I have written before we were subjected to Mr. Anderson's before-dawn to after-dark use of his heavy construction equipment on his property as he clear cut everything last Summer. We also had to deal with the dust and dirt his equipment created. Mr. Anderson left a 6'-8' high and wide pile of dead vegetation the length of his property line on the Neal Road side. Mr. Anderson recently burned that fire hazard which we in the area appreciate. In the past two weeks we have again been subjected to Mr. Anderson's equipment noise as he cleared the last section of his property closer to Neal Road from first light to late afternoon or evening.

Mr. Anderson's Skyway property is not compatible with a log storage deck and processing plant, or any other industrial use, under any circumstances! That property is zoned Residential and a development plan was approved by the Town of Paradise many years ago. We were advised that the property had been approved for a residential development by a previous owner when we purchased our property on Jade Lane in 1982. If Mr. Anderson wants to development his property, as zoned and approved, as a residential development I would support and appreciate that use. We would much rather look toward Skyway and see nice houses than the ugly state the property is currently in.

Although the noise and dust/dirt created by his equipment is serious, I believe the traffic disturbances and hazards such a use would cause is much more serious and would adversely affect every single person who uses the Skyway. I believe Mr. Anderson predicts that up to 280 large, heavily loaded trucks would use his log storage and processing plant each day. Those large, heavy vehicles would be traveling in both directions on Skyway at slow speeds (hopefully). They would be coming down Skyway, making a left turn on Skyway Crossroad, making another left turn onto Skyway then changing lanes and dropping their loads along the right side of Skyway at the log deck. The logs stored at the log deck would then need to be moved across Skyway to the processing site on the property between the lanes of Skyway. This kind of traffic would require full-time traffic control and result in traffic stoppages as the

logs are moved from one side of Skyway to the other.

I realize that traffic on Skyway is significantly reduced as a result of the Camp Fire but the usage has changed as a result of the fire. Heavy trucks and equipment loaded with building materials are significant users of Skyway now. The delivery of building materials to the Camp Fire area is necessary and much needed. Loaded cement trucks cannot sit stopped on Skyway while logs are delivered and moved from one side of Skyway to the other.

I am not a traffic engineer. I retired after a 37 year law enforcement career. I worked for police departments for 17 years, 13 of those years as a patrol officer, eight of those years were with the Paradise Police Department. I have 13 years of traffic enforcement training and experience. I am well-versed in recognizing traffic hazards and developing changes and plans to remove or mitigate traffic hazards. I have taken hundreds of traffic collision reports, possible thousands, over 13 years working patrol. I am intimately familiar with traffic conditions in Paradise. I can assure you that the traffic problems created by Mr. Anderson's proposal would be very serious and unacceptable to the people who use Skyway.

I am aware that the contract for the removal of hazardous trees on private property was recently cancelled. I am aware also that the need to remove dead and hazardous trees in Town and the burn scar area is extremely important. I do not believe there is a suitable site for a log storage and processing plant within the Town of Paradise. At the intersection of Clark Road and Durham - Pentz Road was a site that was used for log storage after the fire. Butte County created a traffic circle at that intersection solely for the purpose of the movement of large heavily loaded trucks to minimize the traffic delays, hazards and dangers. I suggest that same site be used for the storage and processing of logs removed from private property in Paradise.

Dan Switzer
Jade Lane
Paradise

RE: Planning commission April 21st meeting agenda item 4A
Anderson Non-Conforming Temporary Use Permit

I am writing this letter in strong opposition of the possible approval of a permit for the above mentioned proposal.

I am puzzled by the fact that the planning commission has seen numerous letters of objection by those of us living in and around the Anderson land to be used. Our objections are with valid reasoning to the proposed log storage / processing facility yet you appear to be set to green light the facility.

I know you have received letters in opposition by a professional truck driver and a professional traffic coordinator, the route on Skyway Crossroads that logging trucks will need to drive to get to the processing site is a very sharp and tight turn off the Skyway and would be extremely dangerous if not impossible given the very long trucks that will be used. This alone should put the planning commission and the TOP board on notice that lawsuits from possible traffic accidents will come from the decision to grant the permit even though other sites mentioned and some that haven't been mentioned are a much better location. Imagine I am at the stop sign north end of Skyway Cross Road trying to turn left towards Chico. There is no way a logging truck can turn left on to Skyway Crossroad with me there. He will need to stop for me to proceed or I will need to back up. Can't do that with a car behind me.

In addition, the proposed site is situated off the Skyway as you enter our town of Paradise. A lumber yard at the entrance of a town would be very unsightly. Is this the first thing you want people who are thinking about building in Paradise to see when they drive into the area? Let alone the property is zoned for residential housing for good reason as it is surrounded by existing neighborhoods and Camp Fire survivors trying to rebuild their homes and lives.

If you are going to open up to rezoning even if temporary, it will be hard to say no to the next rezoning request for these types of industrial and business use to move into residential neighborhoods.

As for the very serious health concerns that this make shift lumber/logging site will have let me say a lot of people may be affected. For example my wife has Asthma. She will likely need to stay indoors or even relocate during this operation. This is what she had to do for months after the Camp fire. This was very hard on our family and on the business we own and operate in Paradise. It is not right to again put her health and others like her in jeopardy and confine them to their homes or make them move out of the areas just so an unnecessary and unwanted logging site can be moved into a residential zone.

I doubt that any of you live near Mr Andersons land and proposed site for it to be much of a concern to you. It may be easy for you to say yes and approve this project because it will not negatively impact your daily lives. However, most of you were involved in the Camp Fire and experienced loss and emotional trauma. Have some compassion please for those of us who chose to stay and rebuild in Paradise and want to enjoy the clean air and beauty of homes and our Town.

I understand that many of use still need to clear burned trees, I am one of them but there are numerous better sites for this operation that are currently in use and also land which is open and available and not in residential only zones.

I know Anderson now says he is Non Profit, How convenient. No one thinks he isn't in this for profit. In fact it appears he has now invited Cal OES to use his site. What a debacle this is becoming.

There is at least one Planning Commission board person who is good friends with Anderson, in fact long time neighbors. This member should have recused himself instead of lobbying for this permit to be approved.

Thank you for your consideration,

Dale Wagoner

Blue Oaks Terrace home owner

From: [Karen Magee](#)
To: [Volenski, Dina](#)
Subject: Anderson Log Storage
Date: Sunday, April 19, 2020 7:34:24 AM

As a resident of Paradise and Zone 10 resident I whole heartedly object the site proposal for the Log Storage and Processing Yard. This site will be a disruption in quality of life, safety risk, health hazard for all of us living in Paradise but especially for those in Zone 10 located near the site. I believe traffic will be a major issue as large trucks make their way in and out into a heavily trafficked area passing risk to residents commuting. Processing and chipping of fire burned trees pose a major health risk to all as ash from the trees will be blown and distributed into the air causing respiratory issues if allowed to be processed in a residential area (or area very close to). Paradise wants a great quality of life up here and has stated numerous times it wants its residents to enjoy living up here again. I assure you placing this Processing and Storage plant in a residential area (near), as proposed, will cause the residents of Paradise to resent the people we rely on, that we placed in office, to do what's best for our residents. The United States Department of Labor outlines many health hazards associated with log processing. These risks can be found here There are many articles discussing the toxins that are released and can effect people up to 2 miles away that are a direct association with log processing.

Below is a list of the immediate and possible ramifications of this site:

1. Traffic congestion and dangerous road conditions as well as the excess noise involved in the operation.

For the operation itself large trucks will generate much slow traffic as the trucks navigate in and out of the facility. Skyway is congested at the Neal Junction so this is a salient issue for all entering and leaving Paradise on a daily basis.

2. Health hazards of the dust emitted

Exposure to Cobalt -Stellite tipped saw blades generate a fine dust containing cobalt when sharpened. Cobalt is a silvery, bluish-white, odorless, and magnetic metal. The fume and dust of cobalt metal is odorless and black. Cobalt also is combustible and burns brilliantly in air at room temperature. Dusts of cobalt metal or cobalt compounds may form explosive mixtures in air.

Inhalation of cobalt metal fume and dust may cause interstitial fibrosis, interstitial pneumonitis, myocardial and thyroid disorders, and sensitization of the respiratory tract and skin.

Chronic cobalt poisoning may also produce polycythemia and hyperplasia of the bone marrow. Among 12 workers engaged in the manufacture or grinding of tungsten carbide tools (cobalt is used as a binder for tungsten carbide crystals), who developed interstitial lung disease, there were eight fatalities.

Chronic exposure: Chronic exposure to cobalt metal, dust, or fume may cause respiratory or dermatologic signs and symptoms. Following skin sensitization, contact with cobalt causes eruptions of dermatitis increases and on frictional surfaces of the arms, legs, and neck.

Following sensitization of the respiratory system, cobalt exposure causes an obstructive lung disease with wheezing, cough, and shortness of breath. Chronic respiratory exposure results in reduced lung function, increased fibrotic changes on chest X-ray, production of scanty mucoid sputum, and shortness of breath. Chronic cobalt poisoning may cause polycythemia, hyperplasia of the bone marrow and thyroid gland, pericardial effusion, and damage to the alpha cells of the pancreas.

3. Fire Hazards-Flammability The National Fire Protection Association has not assigned a flammability rating to cobalt metal, dust, and fume; however, powdered cobalt (pyrophoric cobalt) is combustible and burns brilliantly in air at room temperature. Dusts of cobalt metal or cobalt compounds may form explosive mixtures in air.

4. Exposure to wood dust- long been associated with a variety of adverse health effects, including dermatitis, allergic respiratory effects, mucosal and nonallergic respiratory effects, and cancer. Contact with the irritant compounds in wood sap can cause dermatitis and other allergic reactions. The respiratory effects of wood dust exposure include asthma, hypersensitivity pneumonitis, and chronic bronchitis. Aerosol distribution of large amounts of pesticides used for the protection of the stored wood may also pose a health hazard.

5. Diesel exhaust - a combination mixture of gases, vapors and liquid aerosols. The main component of chain saw exhaust emissions are hydrocarbons. Breathing in these diesel fumes can cause adverse health effects.-

Irritation of eyes, nose and throat, Dizziness (lightheadedness), Nausea (feeling sick to stomach), Wheezing, Headache, Drowsiness (feeling sleepy) Long-term (Chronic) Effects Increased susceptibility to bacterial or viral respiratory infections, Asthma, Persistent cough, Lung cancer, Lack of coordination, Blood disorders

I was told by a Town representative that there are numerous other site proposals. One of which was off of Clark near the Paradise Post. Clark, especially lower Clark Rd., is already mostly industrial and offers a great road way to highway 70 and 99. It will not be as a huge noise, dust, debris disturbance as the Skyway and Neal location. Another site possibility is the old worm farm location across from the Neal Road Dump.

Ultimately this log storage and processing yard should not be in town.

Please DO NOT place temporary profits over your recovering and future residents quality of life, safety, health. The income earned from the "Log Storage and Processing Yard" will be a small fraction of money versus the immediate and long term damage you will have caused your residents by approving this site location at the Anderson site.

Thank you,

Richard and Karen Magee
Jade Lane
Paradise, CA

Sent from my iPhone

From: [Steven McFarland](#)
To: [Volenski, Dina](#)
Subject: "Log Storage & Processing Yard"
Date: Sunday, April 19, 2020 6:52:28 AM

As a resident of Paradise and Zone 10 resident I whole heartedly object the site proposal for the Log Storage and Processing Yard. This site will be a disruption in quality of life, safety risk, health hazard for all of us living in Paradise but especially for those in Zone 10 located near the site. I believe traffic will be a major issue as large trucks make their way in and out into a heavily trafficked area passing risk to residents commuting. Processing and chipping of fire burned trees pose a major health risk to all as ash from the trees will be blown and distributed into the air causing respiratory issues if allowed to be processed in a residential area (or area very close to). Paradise wants a great quality of life up here and has stated numerous times it wants its residents to enjoy living up here again. I assure you placing this Processing and Storage plant in a residential area (near), as proposed, will cause the residents of Paradise to resent the people we rely on, that we placed in office, to do what's best for our residents. The United States Department of Labor outlines many health hazards associated with log processing. These risks can be found [here](#) There are many articles discussing the toxins that are released and can effect people up to 2 miles away that are a direct association with log processing.

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1. Traffic congestion and dangerous road conditions as well as the excess noise involved in the operation.

For the operation itself large trucks will generate much slow traffic as the trucks navigate in and out of the facility. Skyway is congested at the Neal Juncture so this is a salient issue for all entering and leaving Paradise on a daily basis.

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Inhalation of cobalt metal fume and dust may cause interstitial fibrosis, interstitial pneumonitis, myocardial and thyroid disorders, and sensitization of the respiratory tract and skin.

Chronic cobalt poisoning may also produce polycythemia and hyperplasia of the bone marrow. Among 12 workers engaged in the manufacture or grinding of tungsten carbide tools (cobalt is used as a binder for tungsten carbide crystals), who developed interstitial lung disease, there were eight fatalities.

Chronic exposure: Chronic exposure to cobalt metal, dust, or fume may cause respiratory or dermatologic signs and symptoms. Following skin sensitization, contact with cobalt causes eruptions of dermatitis increases and on frictional surfaces of the arms, legs, and neck.

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Irritation of eyes, nose and throat, Dizziness (lightheadedness), Nausea (feeling sick to stomach), Wheezing, Headache, Drowsiness (feeling sleepy) Long-term (Chronic) Effects Increased susceptibility to bacterial or viral respiratory infections, Asthma, Persistent cough, Lung cancer, Lack of coordination, Blood disorders

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Ultimately this log storage and processing yard **should not** be in town.

Please DO NOT place temporary profits over your recovering and future residents quality of life, safety, health. The income earned from the "Log Storage and Processing Yard" will be a small fraction of money versus the immediate and long term damage you will have caused your residents by approving this site location at the Anderson site.

Thank you,

Steven McFarland
Zone 10 Resident

--

Steven McFarland
Wellness Advocate
Personal Trainer NFPT
stevenmcfarland7@gmail.com

Carl H. Peterson
Neal Road
Paradise, California 95969-6152

chpeterson@sbcglobal.net

May 15, 2020

Paradise Planning Commission
Town Hall
5555 Skyway
Paradise, CA 95969

This is to express our objection to the application by Anderson Brothers for a temporary use permit for industrial puposes on their 38 acre parcel (APN: 051-240-012) on the Skyway. The parcel in question comes to within 500 ft of our residence on Neal Road.

The sole consideration, it seems to us, is that the parcel in question is zoned RR 2/3. Except for a few lots between the lanes of the Skyway that are zoned CC, every property adjoining the parcel in question, and every property within a very considerable distance of it is, and has long been, zoned exclusively for residential purposes: TR 1/3 PD, RR 1/2, RR 2/3, AR 1 (ours), and AR 3.

Throughout this neighborhood there are standing houses to which residents including us have returned and other parcels where neighbors have rebuilt, moved into, or are presently rebuilding fine single-family dwellings. Every one of us deserves the protection conferred by existing zoning. Any departure constitutes a breach of trust between the town and its citizens.

We would appear at the April 21 hearing but are isolating and cannot.

Finally, a personal note. Ours is a property that has been home to our family for more than a century and has never been used for purposes other than those permitted by its existing AR 1 zoning. Although the two of us were employed elsewhere in the county, we have lived here all our married lives. Now one of us is recovering from cancer treatments and the other is nearing 80. Because of the virus we are confined here indefinitely. The Anderson brothers' property is on the hillside directly facing us, from which we would be exposed to all the noise of their proposed operation, twelve hours a day, seven days a week. We beg you not to inflict this on us or on our neighbors.


Carl and Mary Peterson

cc: Ms Susan Hartman
Acting Planning Director

April 20, 2020

FROM: Marjama Family Partners, Vista Village

TO: Town of Paradise Planning Commission

SUBJECT: Planning Commission Meeting 4/21/20 – Log Processing Lot (Anderson)

As owners of Vista Village, located between the split Skyway and Crossroad, we represent a development of 52 senior residences of which 24 survived the event that altered our community and lives. We wish to speak for ourselves rather than others using our property in their comments. After reviewing the information provided in the Agenda Packet and having a detailed conversation with David Anderson, we encourage approval of the project.

Until any dead/dying trees are removed from our community, the whole town will show the scars. The proposal includes mitigation measures for noise and air quality that we feel are of minimal impact to our development and residents especially since it does not utilize the Crossroad. This is a short-term inconvenience that has so much potential to help the town and residents. It is also dependent on finding funding to proceed and is limited in traffic, size and time. However, WE DO NOT WANT ANYONE TO THINK THAT OUR SUPPORT FOR THIS PROJECT CAN OR WILL BE CONSTRUED AS SUPPORT FOR THE Cal OES SITE LOCATED ON THE WALMART PROPERTY. We do not and will not support the site due to its size, traffic, scope and safety for the residents in our property.

We understand that our community has a lot of needs and a major concern is tree removal. This project will also help the healthy trees stay healthy and protect damages to properties and structures in our town. We are unaware of any other project that can and will help the residents of Paradise like the Alliance Builders Foundation. Also any revenue would stay local for our residents. For these reasons this project has our support.

Respectfully Submitted,

Marjama Family Partners
Wendy Rickards
Greg Marjama
Doug Marjama

Jim Broshears
7271 Pentz Rd
Paradise, CA 95969
April 20, 2020

Planning Commission
5555 Skyway
Paradise, CA 95969

RE: PL19-00383 Anderson Brothers Corp. Temporary Use Permit – “Log Storage & Processing Yard”
Appeal

Planning Commission:

I am writing regarding the appeal hearing for a temporary log storage site on Skyway proposed by Anderson Brothers Corp. I am not speaking for or against the appeal for this specific site but will be addressing specific items provided to the planning commission that ask for a denial of the permit.

Shortly after the Camp Fire in 2018 there was a recognition by the Town and County that the large number of dead and dying trees that posed a direct hazard to roadways, surviving homes and lots made vacant by the fire. In order to safely rebuild the communities devastated by the fire, these trees would need to be addressed. The Town and County formed the Timber and Biomass Division of the Disaster Recovery Operations Center to address this hazard. Like almost every other aspect of the Camp Fire, the damage to trees by a wildfire in a semi-urban setting was unprecedented.

In January of 2019, the Butte County Fire Safe Council hired a team to assess the number of dead and dying trees that would affect roads, homes and parcels in Paradise and lower Magalia. An estimated 386,000 trees were identified that met that criteria. Some of those trees were immediately removed by the Town and County in order to safely reopen the areas the Camp Fire area to the public and some were removed by P&E.

The remaining trees still are a significant fire and health hazard. As these trees deteriorate and become increasingly unstable, the risk of falling trees and branches will become greater as time passes. This has resulted in ordinances enacted by both the Town and County declaring these trees to be a safety hazard that must be addressed. In recognition of the extreme hazard these trees create, both the Town and County requested disaster assistance under the Stafford Act Declaration of Emergency for the Camp Fire for funding to remove these trees. This type of request is very unusual but because of the high degree of hazard, the funding was approved and the sign-up portion of that program is still underway. This is a clear indication by the Town, County, OES and FEMA that the hazard was unlike any others and would require actions that had never been conducted before to mitigate and are being conducted under the disaster declaration.

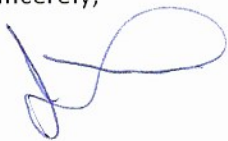
These conditions clearly justifies the Urgency Ordinances and the need for new and innovative solutions to so massive a problem. The Ordinances articulate a strict set of conditions to address issues such as fire safety, storm water management, dust, and air quality in order to protect the public and mitigate hazards generated on the site. These is not a sawmill operations. Logs and biomass will in most cases be chipped and hauled to power generating facility. The closer to the tree removal this can be completed, the less expensive it is. And the greater the savings to property owners.

The need for local legal log storage and processing sites became apparent as the Butte County Fire Safe Council started to conduct emergency tree removals to assist property owners in removing hazard trees to allow them to return to existing homes or begin rebuilding prior to the availability of any government assistance. In order to reduce costs, the BCFSC advocated for ordinances in both the County and Town to create a limited number of temporary log storage and processing sites. The first site located in Magalia was designed to shorten the distance that logs and tree debris (biomass) need to be hauled. If logs and biomass could be processed locally, the reduced time and distance would result in significant savings for each tree removed. In addition, by chipping the material onsite, there would be at least five fewer truckloads of loads of logs going through Town and on to a more distant facility to be processed. This directly resulted in a cost reduction of \$500 per tree. \$500 per tree represents a savings of \$500,000 for every 1000 trees removed. In the case of this program the BCFSC used grant funds and was able to remove twice as many trees for residents based on the savings generated by having a local processing sites. That program is no longer available and now residents can choose between signing up for the CAL OES/FEMA program or choose to remove them on their own. Any savings to the cost of tree removal will be one more dollar towards recovery and rebuilding individual homes and our community. The cost savings will clearly be in millions of dollars based on the number of remaining trees.

At this point there are no permitted log storage sites in the Town under the Urgency Ordinance. Existing log decks that were identified in the hearing request information are either part of a legal Timber Harvest Plan (THP) administered by Cal Fire or are illegal and unregulated. None of the sites are processing materials by converting timber into chips for hauling to a power generation facility.

In summary, the purpose of this letter is to identify the validity and need for the Urgency Ordinance for log storage and processing sites in the Town and County in order to provide a public benefit by making hazard tree removal less costly and more efficient for our property owners and community as we recover from this catastrophic wildfire.

Sincerely,



Jim Broshears

From: [Don & Pam Hall](#)
To: [Volenski, Dina](#)
Subject: PUBLIC COMMENT ITEM
Date: Tuesday, April 21, 2020 5:56:06 AM

Good Evening Planning Commission,

I want to take this opportunity to thank you for taking the time to listen to commented families returning to our homes in "Paradise". My name is Don Hall and was born and raised in Paradise for 63 years and seeing alot of change. After the fire our life was put on hold due to insurance issues. Anderson Bros. came along side not only to me and my family but many in our community helping us in returning to the ridge. I have seen the caring demonstrated by Dave and his family in not just fire related but through the years seeing Paradise grow making a beatiful place to live. I would like to ask you for the support needed to allow Anderson Bros. move forward and let them give back to the community in this temporary area to service logs and groom our Town back as it is greatly needed. I would also like to publicly thank Anderson Bros.again for your help to all of us in these trying times.

once again, thank you for your time.

Don Hall

From: [Matt Miller](#)
To: [Volenski, Dina](#)
Cc: ["Matt Miller"; Hartman, Susan](#)
Subject: PUBLIC COMMENT ITEM
Date: Monday, April 20, 2020 8:33:22 PM

4/20/20

Dear Town Council,

Our property directly abuts the proposed site to the south east. We are fortunate because our home survived the fire. We live here in peace albeit with the new view of the Skyway and the additional noise, but we are very grateful. I'll keep it brief since I'm sure you have heard an earful from others.

1. I would not want the operation of any of the wood yard on the east side of the creek; which I don't think is in the plan anyway.
2. I am concerned with northerly winds creating a significant dust and air quality issue and would like to know what the formal process is for reporting this so the operation can be stopped almost immediately if airborne dust is visible at all on our property.
3. If approved I want assurance the end date is not flexible. I would rather see the proposed end date extended initially for a period of a few months than have to fight over how much to extend it later. This MUST have a firm date of cessation and return to peace and quiet, or put it in a properly zoned location and let it run as long as needed.
4. This temporary use permit cannot be used as a method for land use zoning change.
5. Operation of chipping or sawing equipment should be allowed only between 0730-1800 hours any operating day with all traffic stopped and off premise by 1900 hours.
6. No operation of chipping or sawing equipment on Sundays. Loading for transport and off-loading of materials should be limited on Sundays to the hours of 0730-1600 hours.
7. After the end date of operation any remaining bulk wood chips, brush, or logs should be removed within 45 days.

Like many others I wish we weren't in this position. I'm not opposed to this effort and Dave and team getting this done, particularly if it succeeds in creating a better Paradise. Sure would like to see our town prosper and getting it cleaned up is a necessary step.

Sincerely,
Matt Miller
Craft Lane

From: [Don & Pam Hall](#)
To: [Volenski, Dina](#)
Subject: PUBLIC COMMENT ITEM
Date: Tuesday, April 21, 2020 6:37:11 AM

Dear town of paradise planning commission,

Dave and Joy their son's Justin and Cody and their daughter in laws Karissa and Emily have always been a huge asset to the town of Paradise and especially since the fire. They are working long hours to help the town come back. They are building homes for people at a low cost, which is helping bring the underinsured back. Our town is a better place because of Anderson Brothers . .

Please give Dave a permit to help clean up our town and make it beautiful again. Anderson Brothers do Quality work. Our town is blessed to have people that care so much about it and the people in it . Thank you for your time .

Sincerely, Pam Hall

From: [al Ledford](#)
To: [Volenski, Dina](#)
Subject: Re: Additional information for Planning Commission agenda item 4(a) - Log storage facility.
Date: Tuesday, April 21, 2020 9:40:29 AM

Planning Commision hearing 4/21/2020.

All 28 of us at Blue Oak Terrace, Paradise

are still opposed to Anderson Log site right next to our community.

With 285 trucks 7 AM through 7 PM we've seen no plans for entry and exit of the site.

With that many trucks entering skyway ,and exiting, will require traffic lights. I live on the corner of Cross Road and Skyway and

the noise level will be terrible.

Our property values will plummet.

After this proposal, now what, before it was a cement crushing plant now this.

Al Ledford

Tuscan Dr. Paradise

On Mon, Apr 20, 2020 at 11:15 AM Volenski, Dina <dvolenski@townofparadise.com> wrote:

Attached is the link to the Paradise Planning Commission agenda packet for the April 21, 2020 meeting. Additional information has been added to agenda item 4(a) regarding the proposed log storage facility. (beginning on page 140 through 203) The information was included in the March 17, 2020 Planning Commission agenda packet, but inadvertently not included in the April 21, 2020 Agenda packet.

<https://www.townofparadise.com/index.php/our-government/agendas-and-minutes>

From: [Eric & Kendale Swanson](#)
To: [Volenski, Dina](#)
Subject: TELEPHONE PUBLIC COMMENT ITEM
Date: Tuesday, April 21, 2020 11:32:34 AM

To Whom It May Concern

We are writing to show our support for Anderson Bros request for a temporary permit.

Dave Anderson is a very amazing and great man and asset to our community.

When the contractor we had been working with for 3 months suddenly said they could not longer help us rebuild our home, Dave did not hesistate to take us on as clients and help us with our rebuild.

He went above and beyond to get us back into our home. Never once did we feel like he was taking advantage of our family or ripping us off. We also know many others he has helped rebuild and get back into their new homes.

He quoted us a price per sq foot and that is what we paid. Many times when we would stop by to check on the progress of our property he would be working, even when it was late into the evening. Just making sure things were done right.

His sole purpose is to help rebuild our community. He is honest, kind and goes above and beyond to help others. He is not in it for the money but to get Paradise back to what it was, our beautiful town!

Thank You

Eric and Kendale Swanson

Dear Town of Paradise,

It is with great honor that I write this letter concerning Anderson Brothers Corporation and the Anderson family. Since the tragic fire that swept through Paradise and the surrounding communities in the fall of 2018 Anderson Brothers has been working relentlessly to rebuild Paradise. Anderson Brothers is a multi generational family owned and operated corporation that has been rooted in Paradise for many decades. This family has a long history in Paradise, they love their town and they are committed to rebuilding it for future generations to enjoy.

I have personally known this family for almost 40 years. I grew up with their sons Justin and Cody who are involved in the operation of this corporation with their father and I have seen their character first hand. Dave, Justin and Cody are three men who are for the town and for the people of the town. All of my family who lived in Paradise lost their homes in the fire. My parents, my dad who has lived in Paradise for over 60 years and my mom almost 60 years decided to rebuild in on their property. They along with many others unfortunately were under insured. During the busy and exhausting days that the first year of recovery demanded of Anderson Brothers they were extremely thoughtful, kind and generous to my parents who are now just a few months from moving into their new home and rebuilding their lives again in Paradise. This was made possible because of Anderson Brothers and the Anderson family.

Not only has the Anderson family supported my parents in time of need but the they have been financial supporters of my family and I with our philanthropic work in Africa for over a decade and we are incredibly grateful for their generosity. As you can see, the Anderson family and Anderson Brothers Corporation are people who care about people, in their home town and across the oceans. I feel it would be in the best interest of the Town of Paradise to seek every effort to work closely with Anderson Brothers in allowing them to allocate their property for temporary use in processing logs and vegetation as a non profit. They are people who are committed to seeing the town of Paradise rise up from the ashes to become the place that it's name implies, Paradise.

Sincerely,

Brian Hall

Sports Friends Ethiopia

brian.hall@sim.org | www.sports-friends.org

To: Town of Paradise Planning Commission
Subject: Anderson Brothers Log Processing site use.

My name is Bill Happ. My wife and I moved to 155 Jay Bird Lane in Paradise in March of 2017. We moved next door to our son and his family, planning to spend our retirement years living next door. Both of our homes and almost all of our possessions were destroyed in the Camp fire. While I would like to build our new home in Paradise I have been presented with many issues along the way that keep making my decision to rebuild a difficult one. To get right to the point of this letter I will say that I am in agreement with my neighbors, Dan Switzer and Karen Magee. My son's property on Jay Bird Lane adjoins the location of the proposed project, and mine is 400' away looking straight across the ravine at this site. Having a noisy industrial site this close to my home is unacceptable, and once it is developed I can only believe that temporary occupancy will be extended and possible zoning change will happen. Should this site plan be approved It may just be the straw that breaks the Camel's back as they say. Approving this plan will be a great disservice to the owners and residents of Paradise Zone 10, and May be the final issue that causes me to relocate elsewhere.

Sincerely
Bill and Dana Happ
Jay Bird Lane
Paradise CA

4.21.20

From Ed Birdseye, Blue Oaks Terrace Tenant

Re: Log processing plant along Skyway

My name is Ed Birdseye. Brenda and I have lived in Blue Oaks Terrace for over three years now. We've had to evacuate twice over that period of time; once for two days; and for the Camp Fire we had to leave our home for over two months.

We are both retired. Our home is our dream home. We just completed a large improvement in back of our house, including a pool, three decks, a pool house/art room. We love this area, and moved here to take a step back in time, with cleaner air, cooler temps, and a less congested area.

We oppose this proposed construction site for several reasons: 1) The Welcome to Paradise sign's location is approximately 100 yards from this proposed wood processing plant. This is the gateway to the Town of Paradise, which should be a beautiful, scenic experience entering our town, not a further reminder of the horrific event in November of 2018. The proposed plant will be an eyesore at the entry of our town, and will be congested with a steady flow of large, log hauling trucks bringing traffic congestion, diesel exhaust, noise and pollution for our residents. Our water supply could also be threatened.

There are many elderly and retired residents in Blue Oaks whom came here for peace and tranquility. We paid high prices for our homes and property. This project location should have been turned away immediately, for all the obvious reasons, saving us the hassle, and our time, to fight this project going forward. But here we are. We would like to know if the Town of Paradise has been offered incentives to accept this project, as it's rather shocking this project site location is even being considered.

We will have a heavy dose of air, sound, soil, water and visual pollution, as well as traffic congestion. These are good, valid reasons to reject this project. This piece of property butts up against Blue Oaks, a residential neighborhood. It is a beautiful neighborhood, rebuilding itself after losing almost half the homes in the neighborhood.

We currently have several residents who are physically compromised, frail, shaken, from the Camp Fire. Some already have breathing complications. We've all suffered enough, and are of one accord to reject this construction site on our border. The proposed property for this project is a more proper site, possibly, for beautiful homes comparable to those in Blue Oaks Terrace, and certainly not for a wood processing plant. I worked in lumber mills for four years when I was younger, and am fully aware of the sawdust produced from a plant. The wind blows most the time in this area, and we'll be forced to ingest, inhale, and clean up this sawdust if you allow this project to go forward.

The dust, dirt, burnt wood, contaminants, the heavy equipment and logging trucks, will be a major disruption to our lives. Please reject this permit at this location, and keep Skyway beautiful, and help the good people of Blue Oaks to maintain a peaceful, healthy environment to live in.

Sincerely,

A white rectangular box redacting the signature of Ed Birdseye.

Ed Birdseye

From: [Gail Flanegin](#)
To: [Volenski, Dina](#)
Cc: [Jim Flanegin](#)
Subject: Please Deliver to Planning Meeting 6PM, Tuesday 4/21
Date: Tuesday, April 21, 2020 5:44:10 PM

Hello: I was unable to get this letter to anyone on the Paradise Planning Commission and would like it to be included for the record.

To: Paradise Planning Commission and AFB

Re: Please Deny Temp Permit for *Skyway Wood Storage / Processing* (e.g. "chipping and grinding processing/storage operation")

As a resident of a neighborhood adjoining the site proposed by Anderson Brothers Corporation for industrial-scale log processing, I respectfully request that you deny this permit for the following reasons:

1. The proposed site is
 1. Shown on the town's zoning map as "Zoned RR2/3 (Rural Residential) with a land Use Designation of RR--The developer has built several subdivisions and could do so here.
 2. Surrounded by occupied homes that survived the Camp Fire and/or are rebuilding.
 3. Directly adjacent to my neighborhood, which was not completely destroyed by the Camp Fire (22 occupied homes remain of 27 before the fire).
1. This Industrial-scale "chipping and grinding processing/storage operation") Project poses health and safety risks to Residents bordering it:
 1. Fire Hazard: Dried wood log piles 20 feet high by 300 feet wide by 500 feet in length pose a dangerous fire hazard to all adjoining properties.
 2. Environmental risks: to the Nance Canyon pond used by Cal Fire (directly behind my home on Blue Oak Terrace land adjoining the proposed site).
 3. Risks to Blue Oak Terrace well-water-storage tank (uncovered and may actually be within 300 feet of the proposed site).
 4. Operational Noise and Dust Seven days/week, 7 am to 7 pm: 285 trucks & personnel/day (80 percent heavy) will destroy any sense of peace and tranquility and fresh air the residents have and will ensure no wildlife returns.
2. To my knowledge there is no water service or well to provide dust control or Fire Protection.
3. The Skyway location is designated in the Town's general plan as a "Scenic Highway Corridor" along one of the town's three existing gateways--this connects Chico to Paradise. Industrial sites at every gateway may deter quality growth of the Town.

There are many suitable sites in already-designated industrial areas of the Town for this type of operation. The other two gateways, Clark and Neal, already have industrial sites.

4. The proposed site does not have proper ingress, egress, deceleration, or acceleration lanes for traffic. Slow heavy trucks entering / exiting Skyway will pose a hazard to all motorists.
5. Who is ultimately responsible/accountable for daily chipping/grinding, processing/storage operations and final cleanup? Given that (I am quoting a Paradise Post Article)

“Anderson plans to acquire the temporary use permit, then lease that property to AKB, which would **not** run the site, Anderson said.” “AKB would also hire local tree companies to work at the site.”

6. Temporary permits are often granted extensions; things can become permanent.
7. Question: “to take down CAL OES unqualifying trees,” Why would CAL OES designate Anderson’s ill-suited site as one of their eight Butte county processing sites if the trees he proposes handling are not qualified under the CAL OES program?

For the above reasons, I strongly oppose placing this project in the Skyway area. A more suitable location for this operation is an industrial area. We would never have purchased a home near an industrial area and certainly won’t be able to sell one near an industrial area.

Thank you for your consideration

Jim Flanegin

Gail Flanegin

Tuscan Drive, Paradise, CA 95969

Gail

TEMPORARY LOG STORAGE YARD

APN's 051-230-047, 054, 055, 051-240-011 & 012

PROJECT DESCRIPTION:

The project is related to restoration activities for the Town of Paradise due to the Camp Fire. Proposed temporary uses include contractor's offices, including temporary buildings, construction storage yards, construction equipment and vehicle parking and services, wood storage and processing facility. Temporary access points to the site will be constructed. Use will include delivery of wood materials, onsite processing and shipment of wood materials from the site.

PROJECT OPERATION DESCRIPTION:

Operations at the site are proposed to not exceed seven days per week, from 7:00 am to 7:00 pm. Truck traffic volumes are not expected to exceed 25 per hour or 285 per day or 2,000 per week. Vehicles expected at the site include pickups, pickups with trailers and commercial trucks. 80% of vehicles are expected to be heavy vehicles. Wood products will be delivered and removed from the site utilizing pickup, pickups with trailers and commercial trucks. Ingress and egress at the site would be via the Skyway as shown on the Plot Plan. Internal circulation routes for trucks would be as shown on the Plot Plan. Portable site lighting would be provided at active ingress and egress locations at the site. Six foot tall portable chain link fencing would be provided along the Skyway adjacent to the site and at ingress and egress points.

No hazardous materials would be stored at the site, including tank storage of fuel. The public would not have access to the any of the job trailers.

Wood reduction processes would be limited to chipping and grinding operations in the locations shown on the Plot Plan. No chemically induced decomposition would occur.

ENVIRONMENTAL CONDITIONS:

The entire site was burned during the Camp Fire. As part of the already completed site cleanup, all trees and remaining vegetation have been removed from the site. The site has been cleared and grubbed and wood chips installed. An ephemeral stream exists on the easterly portion of APN 051-240-012. A drainage swale exists on the southern portion of APN 051-240-012. A 100-foot undisturbed buffer has been maintained along these features and would be maintained during the log storage and processing process. There are no other known environmental features at the site.

EROSION CONTROL:

All parcels proposed with the Use Permit are approximately 41 acres which will require a SWPPP and a NOI to be filed with the State Water Quality Control Board. A SWPPP was prepared for all of these parcels as part of the fire debris cleanup process that occurred in 2019. The parcels have been stabilized and a NOT has been approved for this SWPPP, however if the proposed Use Permit is approved the prior SWPPP would be utilized again. We are

providing a copy of the prior SWPPP for review. A NOI can be submitted to the state within a week of receiving notice for the currently proposed Use Permit.

AIR QUALITY AND DUST CONTROL PLAN:

Fugitive dust emissions will be controlled by regular watering, installing gravel or wood chips over soil surfaces or by other dust preventative measures. Watering, with complete coverage, will occur at least twice daily, preferably in the late morning and near the end of the work day. A water truck will be at the site at all times.

TEMPORARY LOG STORAGE YARD

APN's 051-230-047, 054, 055, 051-240-011 & 012

SITE RECLAMATION PLAN

Prior to the proposed log storage yard, the site consisted of undeveloped parcels with burned vegetation and trees due to the Camp Fire. The site is proposed for use as a temporary log storage yard during the tree removal process in the continuing effort of cleanup from the fire.

Reclamation of the site would involve removal of all vehicles, equipment, trailers and associated tools and items used at the storage yard. As portions of the site are removed from activity, and at the conclusion of all activities at the site, BMP's would be installed on all disturbed areas as erosion and sediment control and to stabilize the site. It is anticipated that fiber rolls, silt fence and wood chips with native vegetation seeding would be utilized as BMP's at the site. The site shall be stabilized to the satisfaction of the Community Development Director.

SKYWAY SITE

MATERIAL HANDLING AND FIRE PREVENTION PLAN

GENERAL

This Material Handling and Fire Prevention Plan (Plan) is for the log storage and wood processing site located in the Town of Paradise, California along the Skyway at assessor parcel numbers: 051-230-047, 054, 055, 051-240-011 and 012. The site consists of multiple parcels. Three of the parcels are adjacent to each other, are located between the westbound and eastbound lanes of the Skyway and together consist of about 1.7 gross acres. The remaining parcels are adjacent to each other, are located on the south side of the eastbound portion of the Skyway and together consist of about 30.1 gross acres. Use of this site is temporary and will be a part of the ongoing cleanup efforts in the Town from the Camp Fire. Materials expected to be at the site include: cut trees, wood debris, wood chips and associated wood products.

Proposed site facilities consist of: log pile areas, incidental lot related material pile areas, wood chip area, staging and laydown areas, access roads, temporary job trailers, portable restroom facilities. Water is provided to both areas by Paradise Irrigation District (PID). The 1.7 acre area is served by two 3/4-inch water services. The 30.1 acre area is served by a 6-inch water pipe. The PID water services will be utilized for the site operations, dust control and fire suppression. A 12,000 gallon overhead water storage tank will be provided on the 30.1 acre site to provide additional water capacity and supply to the sites.

A sealed box of tools will be at the site and stored in the job trailer location. The toolbox shall contain a minimum of: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools and a sufficient number of shovels so that each employee at the operation can be equipped to fight a fire. Additionally, one or more serviceable chainsaw of 3-1/2 horsepower or greater with a cutting bar 20-inches in length or longer shall be immediately available within the operating area.

When a fire starts, a telephone call must be made to 911 immediately to inform that there is a fire.

All cutting activities shall comply with Chapter 35 from the California Fire Code. Regular inspection of the facility by trained fire personnel shall be allowed and facilitated by the facility operator. Smoking may only occur in designated locations shown on the site plan.

MATERIAL MONITORING

Log Piles

Log piles shall be checked for temperature once a week at intervals of 100 feet along the crown of the pile. If a temperature is found to exceed 140 degrees in a pile, temperature monitoring shall increase to twice a week at a spacing of 50 feet until the material is removed or the temperature is found to be below 140 degrees for one week. If temperatures increase to above 160 degrees the pile shall immediately be opened up to allow the heat to dissipate. Water shall be applied as needed to aid in reducing temperatures. The monitoring locations, recorded temperatures and date and time of each test shall be written on a summary sheet and kept at the site at all times.

Incidental Log Related Materials

The piles of incidental materials shall be checked for temperature once a week at intervals not exceeding 100 feet along the crown of the pile. If a temperature is found to exceed 140 degrees in a pile, temperature monitoring shall increase to twice a week at a maximum spacing of 50 feet until the material is removed or the temperature is found to be below 140 degrees for one week. If temperatures increase

to above 160 degrees the pile shall be opened up immediately to allow heat to dissipate. Water shall be applied as needed to aid in reducing temperatures. The monitoring locations, recorded temperatures and date and time of each test shall be written on a summary sheet and kept at the site at all times.

Wood Chips

Wood chip piles shall be checked for temperature one a week at intervals of 100 feet along the crown of the pile. If a temperature is found to exceed 140 degrees in a pile, temperature monitoring will increase to twice a week at a spacing of 50 feet until the material is removed or the temperature is found to be below 140 degrees for one week. If temperatures increase to above 160 degrees the pile shall be opened up immediately to allow the heat to dissipate. Water shall be applied as needed to aid in reducing temperatures. The monitoring locations, recorded temperatures and date and time of each test shall be written on a summary sheet and kept at the site at all times.

EQUIPMENT

The following equipment will be at the site at all times and available for firefighting:

At least one loader equivalent to a Caterpillar (CAT) 930 or larger. At least one excavator equivalent to a CAT 314 or larger. At least one water truck with a 3,800 gallon tank or larger. The water truck shall be equipped with a nozzle to allow spraying of materials or fires and a connection point for a hose along with at least 100 feet of hose. All vehicles and equipment operating on piles or processing material shall include a portable fire extinguisher with a minimum rating of 4-A:60-B:C.

A 12,000 gallon overhead water storage tank will be provided on the 30.1 acre site to provide additional water capacity and supply to the sites and equipment. Water will be supplied to the tank from an existing 6-inch pipe supplying PID water.

Temperatures within piles shall be monitored with a manual probe that shall be calibrated at least every three months.

FIRE PREVENTION

Materials shall be limited to the pile areas shown on the site plan. The dimensions of each area shall be limited as specified on the site plan and the Town's Use Permit requirements. Access roads will be provided around all piles and all piles shall include the separation as required by the site plan and Use Permit. These requirements are to provide adequate access in the event of a fire.

The temperature of piles shall be monitored. Once thresholds are reached, adjustments will be made to the monitoring and action will occur to reduce the temperature of piles.

The onsite water storage tank will provide watering and firefighting capabilities to the site. A toolbox containing firefighting items will be located at the project trailers.

At least 1 loader, 1 excavator and a water truck shall be in working order and at the site at all times. At least 100 feet of hose will be available to connect to the onsite water storage tank or water truck.

FIRE IDENTIFICATION AND NOTIFICATION

In the event of a fire during normal business hours, onsite personnel must call 911 immediately to inform that there is a fire.

The onsite manager shall be notified immediately and onsite personnel will use available firefighting equipment and tools to begin battling the fire. They will continue to fight the fire in a safe manner until the

fire agency arrives, at which point they will provide assistance to the fire agency as directed by the agency.

Within 2 hours of a fire event the following agencies shall be notified:

Butte County Air Quality Management District (BCAQMD) - 530-332-9400
Butte County Environmental Health Department (BCEH) - 530-552-3880

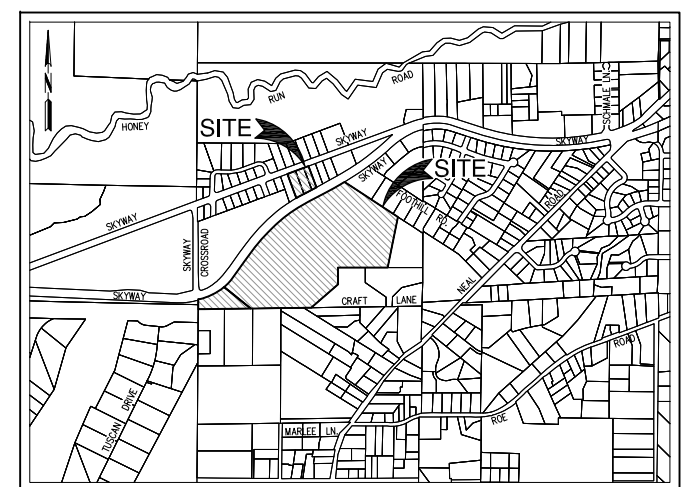
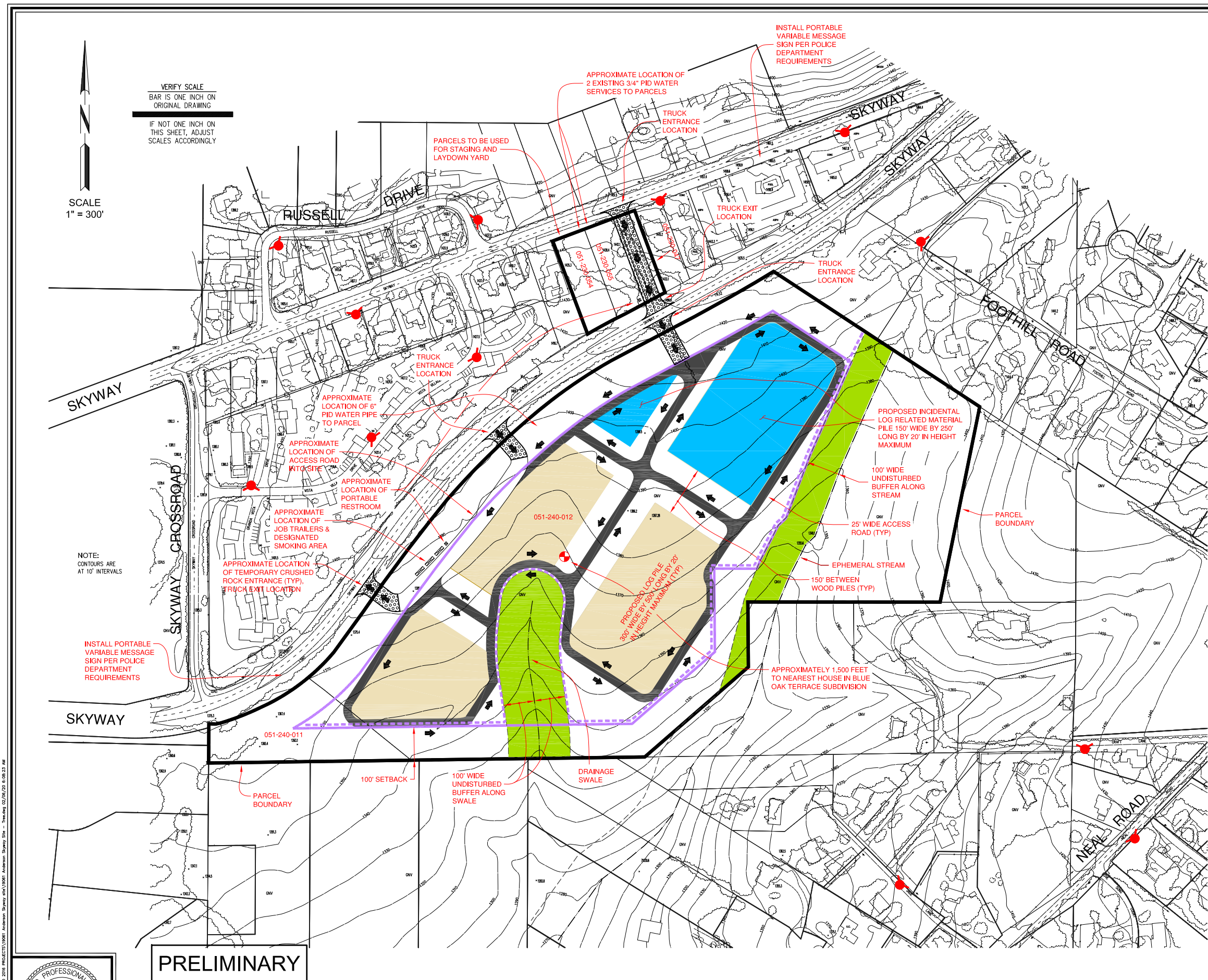
EMERGENCY RESPONSE PROCEDURES

The following procedures should be taken depending on the fire situation:

If smoke or flames can be seen coming from materials or any feature on or near the site the onsite personnel must call 911 immediately to inform them of the smoke or fire.

The onsite manager shall be notified immediately. A roll-call of onsite personnel shall occur to account for all people at the site. Any person in direct or indirect danger shall be assisted and relocated to a safe location. Onsite personnel shall utilize available firefighting equipment and tools to begin battling the fire. They shall continue to fight the fire in a safe manner until the fire is extinguished or the fire agency arrives. They shall provide assistance as directed by the fire agency.

Firefighting shall always occur from a safe position and consist of the following methods, or combination of methods, as appropriate for the situation: cooling the combustible material or fuel source, smothering the combustible material or fuel source and dilution of the combustible material.



LOCATION MAP
NO SCALE

OWNER
ANDERSON BROTHERS CORPORATION
1545 ELLIOTT ROAD
PARADISE, CA 95969

PARCEL INFORMATION			
APN	ZONING	GENERAL PLAN	AREA
051-230-047	CC - COMMUNITY COMMERCIAL	TC - TOWN COMMERCIAL	±0.4 AC
051-230-054	CC - COMMUNITY COMMERCIAL	TC - TOWN COMMERCIAL	±0.7 AC
051-230-055	CC - COMMUNITY COMMERCIAL	TC - TOWN COMMERCIAL	±0.6 AC
051-240-011	AR 1 - AGRICULTURAL RESIDENTIAL (1 AC MIN)	AR - AGRICULTURAL RESIDENTIAL	±1.6 AC
051-240-012	RR 2/3 - RURAL RESIDENTIAL (2/3 AC MIN)	RR - RURAL RESIDENTIAL	±3.8 AC

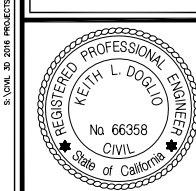
- NOTES
- NO STRUCTURES EXIST ON THE SITES.
 - THERE ARE NO KNOWN SEPTIC SYSTEMS, WELLS OR OTHER IMPROVEMENTS LOCATED AT THE SITES.
 - EXISTING LAND USE IS UNDEVELOPED.
 - ONSITE PARKING AREAS ARE PROPOSED TO BE WITHIN GRAVEL SURFACED AREAS.
 - TEMPORARY STOP SIGNS ARE PROPOSED AT ALL ACCESS POINTS TO THE SKYWAY. NO ADDITIONAL ONSITE SIGNS ARE PROPOSED.
 - THE LOCATION OF EXISTING TREES ARE BASED ON FIELD MEASUREMENTS AND ARE APPROXIMATE.
 - NO TOPOGRAPHIC SURVEYING HAS BEEN PERFORMED. EXISTING INFORMATION IS BASED ON TOWN OF PARADISE AERIAL TOPOGRAPHIC INFORMATION.
 - STORMWATER BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED BASED ON THE APPROVED STORMWATER POLLUTION PREVENTION PLAN (SWPPP).
 - TEMPORARY LOG STORAGE YARDS SHALL COMPLY WITH THE STANDARDS CONTAINED WITHIN TOWN ADOPTED URGENCY ORDINANCE NO. 590 INCLUDING BUT NOT LIMITED TO: (1) 100' SETBACK FROM PROPERTY LINES AND 150' SETBACK BETWEEN WOOD PILES; (2) FIRE ENGINES MUST BE ABLE TO MANEUVER THE SITE; (3) CALIFORNIA FIRE CODES AND PUBLIC RESOURCES CODES MUST BE FOLLOWED.
 - LOG PILES SHALL NOT EXCEED 20' IN HEIGHT, 300' IN WIDTH AND 500' IN LENGTH. LOG PILES SHALL BE STABILIZED BY A MEANS APPROVED BY THE FIRE CHIEF OR THEIR DESIGNEE. OTHER PILES MADE OF INCIDENTAL LOG RELATED MATERIALS SHALL NOT EXCEED 20' IN HEIGHT, 150' IN WIDTH AND 250' IN LENGTH. ALL PILES SHALL BE SEPARATED FROM ALL OTHER PILES BY 100'.
 - ALL ONSITE ROADS, DRIVEWAYS AND AISLES SHALL HAVE A MINIMUM OF 6" OF CLASS 2 AGGREGATE BASE, A MINIMUM OF 25' WIDE AND SHALL BE CAPABLE OF SUPPORTING A 75,000 LB LOAD THAT WILL ALLOW FOR INGRESS AND EGRESS OF FIRE APPARATUS TO WITHIN 150' OF ALL PILES AND STRUCTURES AND SHALL HAVE A VERTICAL CLEARANCE OF NO LESS THAN 15'.
 - ALL LOG PILES AND OTHER PILES SHALL BE SETBACK A MINIMUM OF 150' FROM ALL OUTSIDE PROPERTY LINES AND ANY PERMANENT STRUCTURES. THERE SHALL BE AN AREA OF DEFENSIBLE SPACE THAT IS A MINIMUM OF 150' WIDE AROUND THE PERIMETER OF THE TEMPORARY LOG STORAGE AREA THAT SHALL NOT BE GRADED BUT SHALL BE KEPT CLEAR OF GRASS AND VEGETATION TO SUPPORT FIRE PROTECTION BY CLEARING, DISKING, GRUBBING, AND/OR SCRAPING. CAL-FIRE SHALL HAVE DISCRETION TO ADDRESS UNIQUE CIRCUMSTANCES.
 - THE SITE SHALL HAVE A SEALED BOX OF TOOLS THAT SHALL BE LOCATED, WITHIN THE OPERATING AREA, AT A POINT ACCESSIBLE IN THE EVENT OF FIRE. THIS FIRE TOOLBOX SHALL CONTAIN: 1 BACKPACK PUMP-TYPE FIRE EXTINGUISHER FILLED WITH WATER, 2 AXES, 2 MCL600 FIRE TOOLS AND A SUFFICIENT NUMBER OF SHOVELS SO THAT EACH EMPLOYEE AT THE OPERATION CAN BE EQUIPPED TO FIGHT FIRE. IN ADDITION, ONE OR MORE SERVICEABLE CHAINSAWS OF 3-1/2 OR MORE HORSEPOWER WITH A CUTTING BAR 20" IN LENGTH OR LONGER SHALL BE IMMEDIATELY AVAILABLE WITHIN THE OPERATING AREA.

PROPOSED USE

1. USE OF THE PARCELS IS RELATED TO LOG STORAGE AND PROCESSING FOR THE TOWN OF PARADISE DUE TO THE CAMP FIRE. THE SITE WAS ENTIRELY BURNED DURING THE FIRE. ALL FIRE DEBRIS HAS BEEN REMOVED FROM THE SITE AND WOOD CHIPS CURRENTLY COVER THE SITE.

LEGEND	
	APPROXIMATE SITE BOUNDARY
	100' SITE SETBACK
	PROPOSED FIBER ROLL OR SILT FENCE
	UNDISTURBED AREA WITHIN 100' FROM STREAM OR SWALE
	PROPOSED LOG PILE AREA
	PROPOSED INCIDENTAL LOG RELATED MATERIAL PILE
	PROPOSED 25' WIDE ACCESS ROAD
	APPROXIMATE LOCATION OF FIRE HYDRANT (PER TOWN OF PARADISE GIS INFORMATION)
	DIRECTION OF TRUCK TRAFFIC

DESIGNED	KLD
DRAWN	CAD
CHECKED	PWR
DRAWING NO.	1 OF 1
JOB NO.	19061



APPROVED	PREPARED FOR :	RAR ROLLS ANDERSON & ROLLS CIVIL ENGINEERS 115 YELLOWSTONE DRIVE • CHICO, CALIFORNIA 95973-5811 • TELEPHONE 530-895-1422	253	SKYWAY SITE	TEMPORARY LOG STORAGE YARD USE PERMIT - PLOT PLAN
DATE FEBRUARY, 2020	ANDERSON BROTHERS CORPORATION				

January 31, 2020

Anderson Brothers Corporation
Attn: Dave Anderson
1545 Elliot Road
Paradise, CA 95969

RE: Preliminary Wetland Assessment of the Skyway Wood Storage Project Site, Paradise, Butte County, CA.

Mr. Anderson,

On January 29, 2020, Gallaway Enterprises senior botanist, Elena Gregg, conducted a preliminary wetland assessment of US Army Corps of Engineers (Corps) jurisdictional waters of the United States (WOTUS) within the Skyway Wood Storage project (Project) site consisting of five parcels (APN 051-230-047, 051-230-054, 051-230-055, 051-240-011 and 051-240-012) totaling approximately 42-acres located along the southwestern boundary of the Town of Paradise, Butte County, CA. The Project site is located just east of Skyway Crossroad Road and includes land on both sides of the eastbound lanes of Skyway Road (**Exhibit A**). The following summarizes the results of the preliminary wetland assessment.

Environmental Setting and Site Conditions

The Project is located within the Town of Paradise, Butte County, CA. The Project site lies within the Hamlin Canyon United States Geologic Survey (USGS) 7.5' Quadrangle in Section 21, Township 22N, Range 3E.

The site slopes to the south/southwest with a wide, shallow dip in the approximate center of the site and a drainage running north to south along the eastern boundary of the site. Prior to the 2018 Camp Fire, the site was primarily composed of dense chaparral habitat with patches of mixed hardwood conifer woodland dominated by foothill pines (*Pinus sabiniana*), ponderosa pines (*Pinus ponderosa*) and black oaks (*Quercus kelloggii*). A few dirt access roads occurred throughout the Project site. Currently, the Project site is dominated by barren land and disturbed annual grassland habitat with only the eastern edge of the Project site still containing remnant trees and shrubs that had burned in the fire but are now re-sprouting. Much of the site has been masticated, scraped and the mulch spread on the site due to the fire clean-up efforts. Also, a few gravel access roads occur within the Project site. The Project site is bound to the north by Skyway Road, to the west by Bay Tree Drive, to the south by open land and to the east by residential parcels.

Survey Methods

The Project site was surveyed on-foot by Gallaway Enterprises staff on January 29, 2020 to identify any potentially jurisdictional features. The survey, mapping efforts, and report production were performed according to the valid legal definitions of WOTUS in effect on January 29, 2020. The boundaries of non-tidal, non-wetland waters, when present, were delineated at the ordinary high water mark (OHWM) as defined in 33 Code of Federal Regulations (CFR) 328.3. The OHWM represents the limit of potential Corps jurisdiction over non-tidal waters (e.g., streams and ponds) in the absence of adjacent wetlands (33 CFR 328.04) (Curtis, et. al. 2011). Wetland perimeters based on the *United States Army Corps of Engineers Wetlands Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Arid West Region* (2008) (Arid West Manual) were recorded and defined, when present, according to their topographic and hydrologic orientation.

Survey Results

Gallaway Enterprises found evidence of only one jurisdictional drainage feature according to the valid legal definitions of WOTUS in effect on January 29, 2020 (**Exhibit B**). This drainage had a pond feature within its banks that has formed due to the presence of a partial impoundment. Vegetation within this drainage was dominated by seasonal wetland vegetation including nutsedge (*Cyperus eragrostis*), pacific rush (*Juncus effusus*), Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*) and curly dock (*Rumex crispus*) with a few scattered willows (*Salix* sp.). This drainage flows north to southwest near the eastern edge of the Project site and is an unnamed tributary of Hamlin Slough. The wide shallow dip in the approximate center of the Project site contained drainage-like topography with drainage patterns and small areas with minimal scour, but did not exhibit an ordinary high water mark (OHWM) or a bed or bank (see site photos in **Exhibit C** and the location of the photo points in **Exhibit B**). Further, the vegetation present in this drainage-like area was dominated by upland plant species. Therefore, this drainage-like area did not meet the definition or any of the requirements to be considered a Corps jurisdictional feature.

If you have any questions, please do not hesitate to contact me at our office (530) 332-9909.

Sincerely,



Elena Gregg, Botanist
Gallaway Enterprises

Encl.: Exhibit A. Property Location Map
Exhibit B. Preliminary Wetland Map
Exhibit C. Site Photographs

Exhibit A: Property Location Map

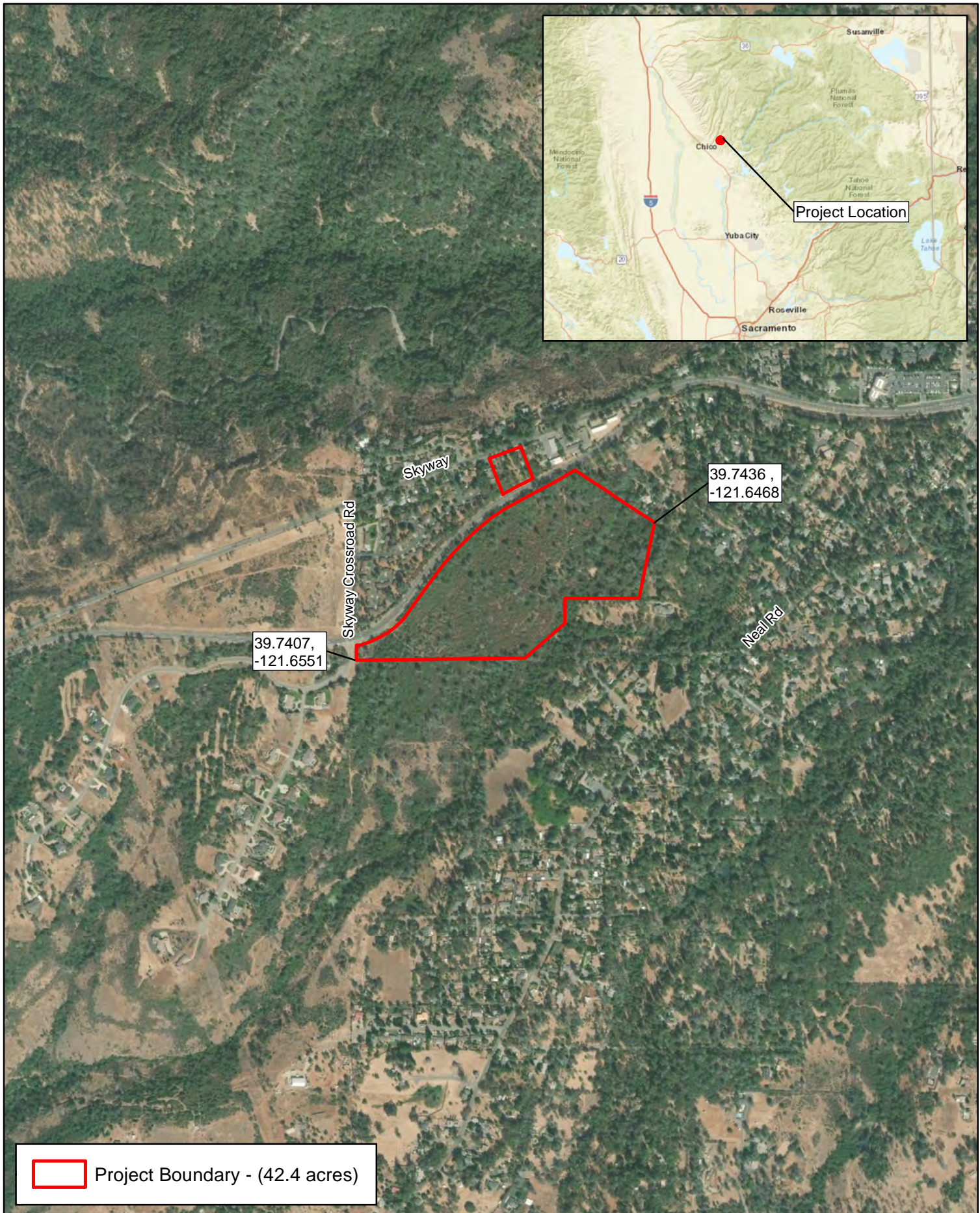
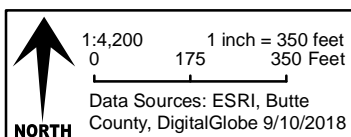


Exhibit B: Preliminary Wetland Map



Skyway Wood Storage Anderson
Preliminary Assessment of Waters of the U.S.
Exhibit B

Exhibit C: Site Photographs

Site Photographs Taken on January 29, 2020



P01 – Overview of Project site taken just east of Bay Tree Drive looking northeast



P02 – Picture taken on the southern boundary looking north at the non-jurisdictional drainage-like area (note dominance of upland vegetation and lack of OHWM)



P02 – Picture taken on the southern boundary looking south at the non-jurisdictional drainage-like area (note presence of drainage patterns but no OHWM, bed or bank)



P03 – Picture of the drainage in the eastern portion of the Project site looking southwest



P04 – Picture of the ponded area within the drainage looking northeast



P05 – Overview of the portion of the Project site located between the east bound and west bound lanes of Skyway Road looking northwest

BIOLOGICAL RESOURCE ASSESSMENT

Terrestrial Wildlife and Botanical Resources

Skyway Wood Storage Project

Town of Paradise, California

January 2020



Prepared for:

Anderson Brother Corporation

1545 Elliot Road

Paradise, CA 95969

Contact: Dave Anderson

Prepared by:

Gallaway Enterprises

117 Meyers Street, Suite 120

Chico CA 95928

(530) 332-9909

Contact: Kevin Sevier

www.gallawayenterprises.com

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APPENDICES

Appendix A.....	Species Lists
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BIOLOGICAL RESOURCE ASSESSMENT

Skyway Wood Storage Project

Project Location:

Town of Paradise, California
Section 21, Township 22N, Range 3E

INTRODUCTION

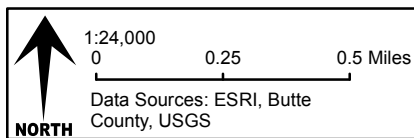
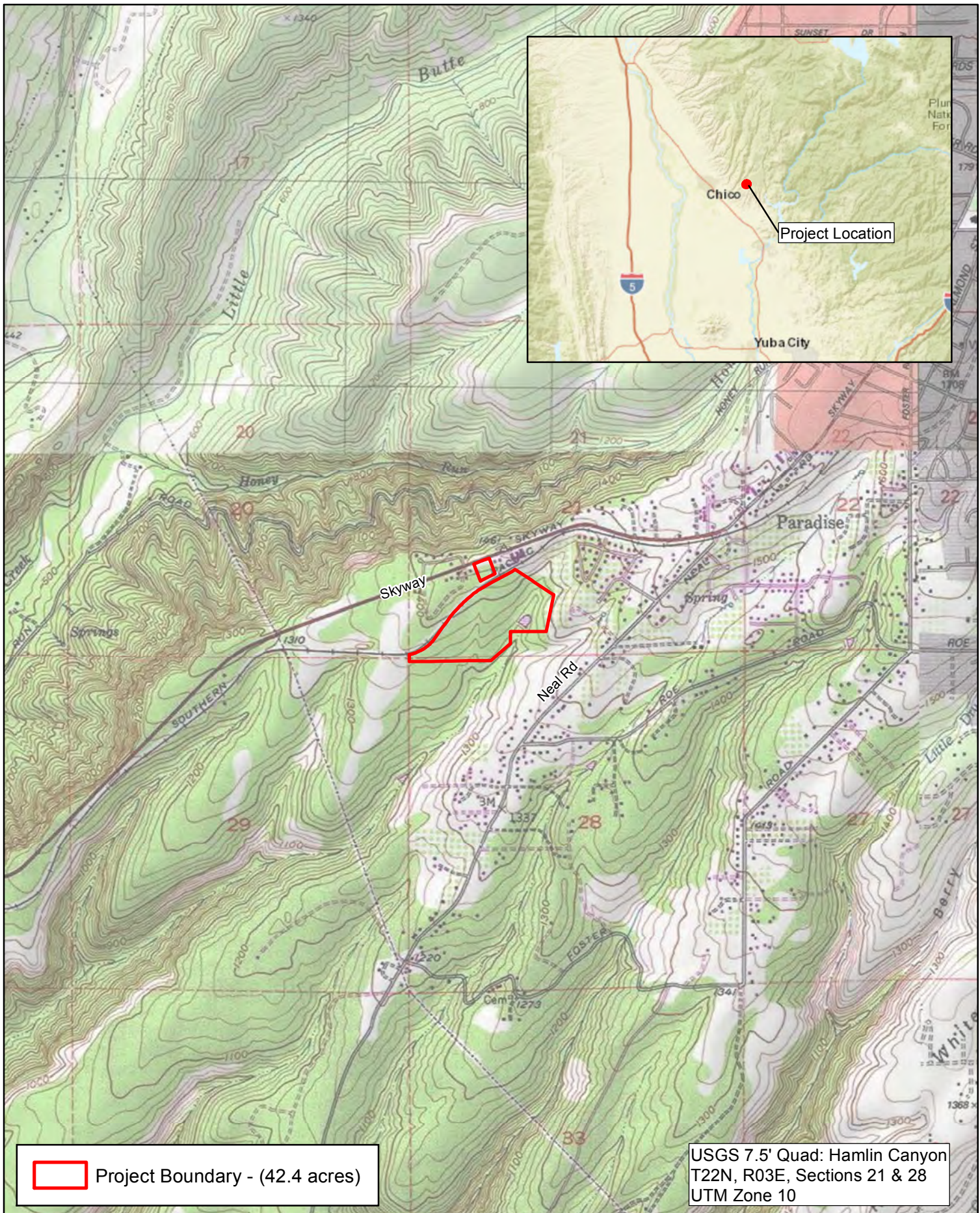
Purpose and Overview

The purpose of this biological resource assessment (BRA) is to document the endangered, threatened, sensitive, and rare species and their habitats that occur or may occur in the biological survey area (BSA) of the Skyway wood storage project (Project) area located along the southwestern boundary of the Town of Paradise, Butte County, California (**Figure 1**). The Project area is located just east of Skyway Crossroad Road and includes land on both sides of the eastbound lanes of Skyway Road. The Project area is approximately 42 acres.

The BSA is the area where biological surveys are conducted (**Figure 2**). Gallaway Enterprises conducted biological and botanical habitat assessments in the BSA to evaluate site conditions and potential for biological and botanical species to occur. Other primary references consulted include species lists and information gathered using United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation System (IPaC), California Department of Fish and Wildlife's (CDFW) Natural Diversity Database (CNDDB), the California Native Plant Society's (CNPS) list of rare and endangered plants, and literature review. The results of the BRA are the findings of habitat assessments and surveys and recommendations for avoidance and minimization measures.

Project Location and Environmental Setting

The BSA is located within the Town of Paradise, Butte County, CA. The BSA lies within the "Hamlin Canyon" United States Geologic Survey (USGS) 7.5' quadrangle in Section 21, Township 22N, Range 3E; latitude 39.7407, longitude -121.6551. On November 8, 2018, the BSA and the surrounding area were burned in the Camp Fire. Prior to the Camp Fire, the BSA was primarily composed of dense chaparral habitat with patches of mixed hardwood conifer woodland dominated by foothill pines (*Pinus sabiniana*), ponderosa pines (*Pinus ponderosa*) and black oaks (*Quercus kelloggii*). A few dirt access roads occurred throughout the BSA. Currently, the BSA is dominated by barren land and disturbed annual grassland habitat with only the eastern edge of the BSA still containing remnant trees and shrubs that had burned in the fire but are now re-sprouting. Much of the BSA has been masticated, scraped and the mulch spread throughout the site due to the fire clean-up efforts. A few gravel access roads occur within the BSA. The BSA slopes to the south/southwest with a wide, shallow dip in the approximate center of the BSA and a drainage running north to south along the eastern boundary of the BSA. The BSA is bound to the north by Skyway Road, to the west by Bay Tree Drive, to the south by open land and to the east by residential parcels.



Skyway Wood Storage Project
Regional Location
Figure 1



The dominate soil type within the BSA is Ultic Haploxeralfs, 15 to 30 percent slopes; gravelly loam, well-drained with a restrictive layer 20 to 60 inches depth. The elevation of the BSA ranges from 1325 feet to 1450 feet. The average annual precipitation for the area is 54.84 inches and the average temperature is 60.4° F (Western Regional Climate Center 2020).

Project Description

The proposed project consists of a temporary log storage yard intended to receive and process tree debris resulting from tree removal activities in the area.

METHODS

References Consulted

Gallaway Enterprises obtained lists of special-status species that occur in the vicinity of the BSA. The CNDDDB Geographic Information System (GIS) database was also consulted and showed special-status species within a 5-mile radius of the BSA (**Figure 3**). Other primary sources of information regarding the occurrence of federally listed threatened, endangered, proposed, and candidate species and their habitats within the BSA used in the preparation of this BRA are:

- The USFWS IPaC Official Species List for the Project area, January 30, 2020, Consultation Code 08ESMF00-2020-SLI-0641 (**Appendix A; Species Lists**);
- The results of a species record search of the CDFW CNDDDB RareFind 5 for the 7.5 minute USGS “Paradise East, Paradise West, Cherokee, and Hamlin Canyon” quadrangles (**Appendix A; Species Lists**);
- The review of the CNPS Inventory of Rare and Endangered Vascular Plants of California for the 7.5 minute USGS “Paradise East, Paradise West, Cherokee, and Hamlin Canyon” quadrangles (**Appendix A; Species Lists**);
- USFWS Critical Habitat Portal, January 30, 2020; and
- Results from the habitat assessments conducted by Gallaway Enterprises on January 30, 2020 (**Appendix B; Observed Species List**).

Special-Status Species

Special-status species that have potential to occur in the BSA are those that fall into one of the following categories:

- Listed as threatened or endangered, or are proposed or candidates for listing under the California Endangered Species Act (CESA, 14 California Code of Regulations 670.5) or the Federal Endangered Species Act (ESA, 50 Code of Federal Regulations 17.12);
- Listed as a Species of Special Concern (SSC) by CDFW or protected under the California Fish and Game Code (CFG) (e.g. Fully Protected species);
- Ranked by the CNPS as 1A, 1B, or 2;
- Protected under the Migratory Bird Treaty Act (MBTA);
- Protected under the Bald and Golden Eagle Protection Act; or

- Species that are otherwise protected under policies or ordinances at the local or regional level as required by the California Environmental Quality Act (CEQA §15380).

Critical Habitat

The ESA requires that critical habitat be designated for all species listed under the ESA. Critical habitat is designated for areas that provide essential habitat elements that enable a species survival and which are occupied by the species during the species listing under the ESA. Areas outside of the species range of occupancy during the time of its listing can also be determined as critical habitat if the agency decides that the area is essential to the conservation of the species. The USFWS Critical Habitat Portal was accessed on January 29, 2020 to determine if critical habitat occurs within the BSA. Appropriate Federal Registers were also used to confirm the presence or absence of critical habitat.

Sensitive Natural Communities

Sensitive Natural Communities (SNCs) are monitored by CDFW with the goal of preserving these areas of habitat that are rare or ecologically important. Many SNCs are designated as such because they represent a historical landscape and are typically preserved as valued components of California's diverse habitat assemblage.

Waters of the United States

An aquatic resources assessment of the Project site was conducted by Gallaway Enterprises on January 29, 2020.

Habitat Assessments

Habitat assessments were conducted by Gallaway Enterprises staff on January 29, 2020. A wildlife habitat assessment was conducted by Biologist Samantha Morford. Senior Botanist Elena Gregg conducted a botanical habitat assessment within the BSA.

Habitat assessments for botanical and wildlife species were conducted to determine the suitable habitat elements for special-status species within the BSA. The habitat assessments were conducted by walking the entire BSA, where accessible, and recording observed species and specific habitat types and elements. If habitat was observed for special-status species it was then evaluated for quality based on vegetation composition and structure, physical features (e.g. soils, elevation), microclimate, surrounding area, presence of predatory species and available resources (e.g. prey items, nesting substrates), and land use patterns.

RESULTS

Habitats

Annual Grassland

The BSA currently consists of a mesic of disturbed annual grassland. Within the BSA, annual grassland occurs in undisturbed areas as well as most of the site where the land has been scraped during cleanup activities following the Camp Fire. Some of the dominant plant species observed in the disturbed annual

grassland habitat within the BSA include rye-grass (*Festuca perennis*), hedge mustard (*Sisymbrium officinale*), yellow star thistle (*Centaurea solstitialis*), rose clover (*Trifolium hirtum*), and Scotch broom (*Cytisus scoparius*). At the time of the site visit, live oak (*Quercus wislizeni*) saplings and western redbud (*Cercis occidentalis*) saplings were scattered throughout the annual grassland. A variety of ground nesting avian species, reptiles, and small mammals use grassland habitat for breeding, while many other wildlife species use it primarily for foraging or require other habitat characteristics such as rocky outcroppings, cliffs, caves, or ponds in order to find shelter and cover for escapement. Common species found utilizing this habitat type include western fence lizards (*Sceloporus occidentalis*), common garter snakes (*Thamnophis elegans*), California ground squirrels (*Otospermophilus beecheyi*), jackrabbits (*Lepus californicus*), and a variety of avian species.

Barren

Barren habitat is typified by non-vegetated soil, rock, and gravel. Any habitat with <2% total vegetation cover by herbaceous, desert, or non-wildland species and <10% cover by tree or shrub species is defined this way. The areas within the BSA with bare soil or covered by mulched woody debris is consisted to be barren habitat. Additionally, the gravel access roads also provide barren habitat. The barren habitat type typically provides low quality habitat to wildlife. Some ground-nesting birds, such as killdeer (*Charadrius vociferus*), will nest in gravelly, barren substrate.

Riverine

The riverine habitat within the BSA consists of a heavily vegetated seasonal drainage that flows north to southwest along the eastern edge of the BSA. Vegetation within the riverine habitat was dominated by seasonal wetland vegetation including nutsedge (*Cyperus eragrostis*), pacific rush (*Juncus effusus*), Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*) and curly dock (*Rumex crispus*) with a few scattered willows (*Salix* sp.).

Critical Habitat

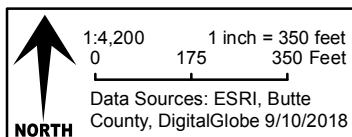
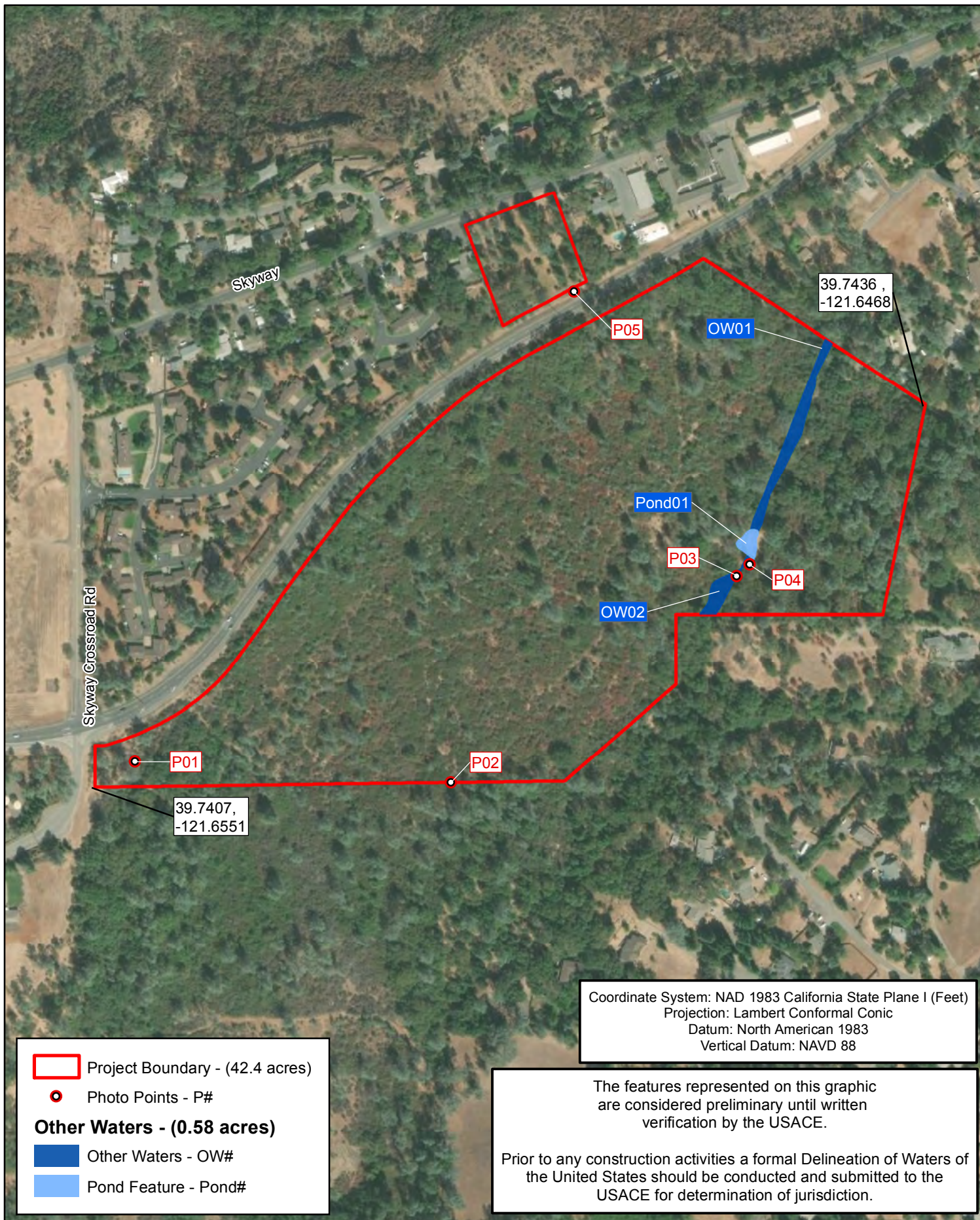
There is no designated critical habitat within the BSA.

Sensitive Natural Communities

No SNCs occur within the BSA.

Waters of the United States

Gallaway Enterprises found evidence of one potentially jurisdictional drainage within the BSA (**Figure 4**). All features within the report should be considered jurisdictional until verified by the Army Corps of Engineers.



Skyway Wood Storage Project
 Preliminary Assessment of Waters of the U.S.
 Figure 4

Special-Status Species

A summary of special-status species assessed for potential occurrence within the BSA based on the USFWS IPaC and CNDDDB species lists and the CNPS lists of rare and endangered plants within the Paradise East, Paradise West, Cherokee, and Hamlin Canyon USGS 7.5 minute quadrangles, and their potential to occur within the BSA is described in **Table 1**. Potential for occurrence was determined by reviewing database queries from federal and state agencies, performing surveys, and evaluating habitat characteristics.

Table 1. Special-status species and their potential to occur in the BSA of the Skyway Wood Storage Project, Butte County, CA

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
SENSITIVE NATURAL COMMUNITIES			
Great Valley Cottonwood Riparian Forest	_/_SNC/_	Riparian forest.	<u>None</u> . There is no designated Great Valley Cottonwood Riparian Forest within the BSA.
Northern Basalt Flow Vernal Pool	_/_SNC/_	Vernal pools.	<u>None</u> . There is no designated Northern Basalt Flow Vernal Pool within the BSA.
Northern Hardpan Vernal Pool	_/_SNC/_	Vernal pools.	<u>None</u> . There is no designated Northern Hardpan Vernal Pool within the BSA.
PLANTS			
Adobe lily (<i>Fritillaria pluriflora</i>)	_/_1B.2	Adobe soils. (Blooming Period [BP]: Feb – Apr)	<u>None</u> . There are no adobe soils present within the BSA.
Ahart's buckwheat (<i>Eriogonium umbellatum</i> <i>var. ahartii</i>)	_/_1B.2	Serpentine; on slopes and openings in chaparral, cismontane woodland. (BP: Jun – Sep)	<u>None</u> . There is no suitable habitat present within the BSA.
Brownish beaked-rush (<i>Rhynchospora</i> <i>capitellata</i>)	_/_2B.2	Mesic sites in montane coniferous forest, meadows and seeps, marshes and swamps. (BP: Jul – Aug)	<u>None</u> . There is no suitable habitat present within the BSA.

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Butte County checkerbloom (<i>Sidalcea robusta</i>)	_/_/1B.2	Small draws and rocky crevices in chaparral, cismontane woodland. (BP: Apr – Jun)	<u>None</u> . There is no suitable habitat present within the BSA.
Butte County fritillary (<i>Fritillaria eastwoodiae</i>)	_/_/3.2	Usually on dry slopes but also found in wet places; soils can be serpentine, red clay, or sandy in chaparral, cismontane woodland, lower montane coniferous forest. (BP: Mar – Jun)	<u>None</u> . A CNDDDB occurrence (#51), recorded in 1978, overlaps with a portion of the BSA. The locational information was recorded as being vague. This area of the BSA was scrapped and masticated during the post fire clean up. There is currently no suitable habitat present.
California beaked-rush (<i>Rhynchospora californica</i>)	_/_/1B.1	Freshwater seeps and open marshy areas; bogs and fens, lower montane coniferous forest. (BP: May – Jul)	<u>None</u> . There is no suitable habitat present within the BSA.
California satintail (<i>Imperata brevifolia</i>)	_/_/2B.1	Alkaline seeps and mesic riparian scrub. (BP: Sep – May)	<u>None</u> . There is no suitable habitat present within the BSA and the species was not observed during the site visit.
Caribou coffeeberry (<i>Frangula purshiana</i> ssp. <i>ultramafica</i>)	_/_/1B.2	On serpentinite soils in lower montane coniferous forest, upper montane coniferous forest, chaparral, meadows and seeps. (BP: May – Jun)	<u>None</u> . There is no suitable habitat present within the BSA. BSA is outside of species known elevational range.
Chaparral sedge (<i>Carex xerophila</i>)	_/_/1B.2	Serpentinite, gabbroic soils in chaparral, cismontane woodland, lower montane coniferous forest. (BP: Mar – Jun)	<u>None</u> . There is no suitable habitat present within the BSA.

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Closed-throated beardtongue (<i>Penstemon personatus</i>)	_/_/1B.2	Usually on north-facing slopes in metavolcanic soils in montane coniferous forest, chaparral. (BP: Jun – Sep)	<u>None</u> . There is no suitable habitat present within the BSA.
Colusa layia (<i>Layia septentrionalis</i>)	_/_/1B.2	Fields and grassy slopes in sandy or serpentine soil. (BP: Apr- May)	<u>None</u> . There is no suitable habitat present within the BSA.
Dissected-leaved toothwort (<i>Cardamine pachystigma</i> var. <i>dissectifolia</i>)	_/_/1B.2	Serpentine outcrops and gravelly serpentine talus associated with chaparral, lower montane coniferous forest. (BP: Feb – May)	<u>None</u> . There is no suitable habitat present within the BSA.
Greene's tuctoria (<i>Tuctoria greenei</i>)	FE/SR/1B.1	Vernal pools in open grasslands. (BP: May – Jul [Sept])	<u>None</u> . There is no vernal pool habitat present within the BSA.
Hairy Orcutt grass (<i>Orcuttia pilosa</i>)	FE/SE/1B.1	Vernal pools. (BP: May – Sep)	<u>None</u> . There is no vernal pool habitat present within the BSA. The BSA is outside of the species known elevational range.
Hoover's spurge (<i>Chamaesyce hooveri</i>)	FT/_/1B.1	Vernal pools on volcanic mudflow or clay substrate. (BP: Jul – Sept [Oct])	<u>None</u> . There is no vernal pool habitat present within the BSA. The BSA is outside of the species known elevational range.
Jepson's onion (<i>Allium jepsonii</i>)	_/_/1B.2	On serpentine soils in Sierra foothills, volcanic soil on Table Mountain. On slopes and flats; usually in an open area. (BP: Apr – Aug)	<u>None</u> . There is no suitable habitat present within the BSA.

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Lewis Rose's ragwort (<i>Packera eurycephala</i> var. <i>lewisrosei</i>)	_/_/1B.2	Steep slopes and in canyons in serpentine soil, often along or near roads in cismontane woodland, lower montane coniferous forest, chaparral. (BP: Mar – July)	<u>None</u> . There is no suitable habitat present within the BSA.
Mildred's clarkia (<i>Clarkia mildrediae</i> ssp. <i>mildrediae</i>)	_/_/1B.3	On decomposed granite; sometimes on roadsides in cismontane woodland and lower montane coniferous forest. (BP: May – Aug)	<u>None</u> . There is no suitable habitat present within the BSA.
Mosquin's clarkia (<i>Clarkia mosquinii</i>)	_/_/1B.1	Cismontane woodland, lower montane coniferous forest. (BP: May- Jul [Sept])	<u>None</u> . There is no suitable habitat present within the BSA.
Pink creamsacs (<i>Castilleja rubicundula</i> var. <i>rubicundula</i>)	_/_/1B.2	Seeps and mesic area in serpentine soils. (BP: Apr-Jun)	<u>None</u> . There is no suitable habitat present within the BSA.
Red Bluff dwarf rush (<i>Juncus leiospermus</i> var. <i>leiospermus</i>)	_/_/1B.1	Vernal pools and vernal mesic sites. (BP: Mar-Jun)	<u>None</u> . There is no suitable habitat present within the BSA.
Veiny monardella (<i>Monardella venosa</i>)	_/_/1B.1	Heavy clay soils in cismontane woodland and valley and foothill grassland. (BP: May, Jul)	<u>None</u> . There is no suitable habitat present within the BSA.
White-stemmed clarkia (<i>Clarkia gracilis</i> ssp. <i>albicaulis</i>)	_/_/1B.2	Dry, grassy openings in chaparral or foothill woodland. Sometimes on serpentine. (BP: May – Jul)	<u>None</u> . There is no suitable habitat present within the BSA.

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Woolly rose mallow (<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>)	_/_/1B.2	Freshwater marshes and swamps, often in rip-rap. (BP: Jun – Sep)	<u>None</u> . There is no suitable habitat present within the BSA. The BSA is outside of the species known elevational range.
INVERTEBRATES			
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>)	FE/_/_	Moderately turbid, deep, cool-water vernal pool.	<u>None</u> . There are no vernal pools within the BSA.
Valley Elderberry Longhorn Beetle (<i>Desmocerus californicus dimorphus</i>)	FT/_/_	Blue elderberry shrubs usually associated with riparian areas.	<u>None</u> . Two isolated blue elderberry shrubs that were less than one inch in diameter at ground level were observed within the BSA. No exit holes were observed.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT/_/_	Vernal pools and seasonally ponded areas.	<u>None</u> . There is no suitable vernal habitat within the BSA.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	FE/_/_	Vernal pools.	<u>None</u> . There are no vernal pools within the BSA.
FISH			
Chinook salmon <i>Central Valley spring-run</i> (<i>Oncorhynchus tshawytscha</i>)	FT/ST/_	Sacramento River and its tributaries.	<u>None</u> . There is no suitable aquatic habitat present within the BSA.
Steelhead <i>Central Valley DPS</i> (<i>Oncorhynchus mykiss</i>)	FT/_/_	Sacramento River and its tributaries.	<u>None</u> . There is no suitable aquatic habitat present within the BSA.
Delta smelt (<i>Hypomesus transpacificus</i>)	FT/SE/_	Found only from the San Pablo Bay upstream through the Delta in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties.	<u>None</u> . The BSA is not within the range of Delta smelt, nor is there suitable aquatic habitat present.

Common Name (Scientific Name)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
HERPTILES			
Coast horned lizard (<i>Phrynosoma blainvillii</i>)	_/SSC/_	Most common in open areas with sandy soils and low vegetation. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	<u>None</u> . There is currently no suitable habitat within the BSA. The BSA is void of bushes for cover and the soil is not suitable. CNDDDB occurrence (#666) overlaps with the BSA however, it was recorded in 1933 and was mapped within a mile of accuracy.
California red-legged frog (<i>Rana draytonii</i>)	FT/SSC/_	Streams with consistent flow, slow side waters with cobble and boulders for oviposition.	<u>None</u> . The riverine habitat within the BSA is seasonal and does not provide suitable habitat. The nearest CNDDDB occurrence (#447) is 13.16 miles east of the BSA and was recorded in 2007.
Foothill yellow-legged frog Northern Sierra clade (<i>Rana boylei</i>)	_/ST/_	Partly shaded, shallow streams and riffles with rocky substrates in a variety of habitats, commonly found in canyons and narrow streams.	<u>None</u> . The riverine habitat within the BSA is seasonal and does not provide suitable habitat.
Giant garter snake (<i>Thamnophis gigas</i>)	FT/ST/_	Agricultural wetlands and other wetlands such as irrigation and drainage canals, low gradient streams, marshes ponds, sloughs, small lakes, and their associated uplands.	<u>None</u> . The riverine habitat within the BSA is seasonal and does not provide suitable habitat. Additionally, the BSA is outside of the species known elevational range.
Western pond turtle (<i>Emys marmorata</i>)	_/SSC/_	Perennial to intermittent bodies of water with deep pools, locations for haul out, and locations for oviposition.	<u>None</u> . There is no suitable habitat within or adjacent to the BSA.

Common Name (Scientific Name)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Western spadefoot (<i>Spea hammondi</i>)	_/SSC/_	Occurs primarily in grassland habitats. Vernal pools and seasonal drainages are typically used for breeding and egg-laying.	Low. There is a ponded area within the seasonal riverine habitat that provides marginal breeding habitat. Additionally, the effects of fire on this species are unknown.
BIRDS			
American peregrine falcon (<i>Falco peregrinus anatum</i>)	_/FP/_	Tall structures or cliffs for nests, large open areas with abundant food source for foraging.	None. There are no suitable cliffs, large power transmission lines, or other such structures that would provide suitable nesting habitat within the BSA, nor are there large, open areas with abundant food sources to provide foraging habitat.
Bald eagle (<i>Haliaeetus leucocephalus</i>)	_/SE, FP/_	Coasts, large lakes and river systems, with open forests with large trees and snags.	None. There is no suitable foraging or nesting habitat within or adjacent to the BSA.
California black rail (<i>Laterallus jamaicensis coturniculus</i>)	_/ST, FP/_	Brackish and fresh emergent wetlands with dense vegetation (bulrushes and cattails).	None. There is no suitable habitat within or adjacent to the BSA.
Tricolored blackbird (<i>Agelaius tricolor</i>)	_/ST/_	Colonial nester in large freshwater marshes. Forages in open habitats such as farm fields, pastures, cattle pens, large lawns.	None. There is no suitable habitat within or adjacent to the BSA.

CODE DESIGNATIONS	
FE or FT = Federally listed as Endangered or Threatened FC = Federal Candidate Species SE or ST = State listed as Endangered or Threatened SC = State Candidate Species SR = State Rare Species SSC = State Species of Special Concern FP = State Fully Protected Species	CNPS California Rare Plant Rank (CRPR): CRPR 1B = Rare or Endangered in California or elsewhere CRPR 2 = Rare or Endangered in California, more common elsewhere CRPR 3 = More information is needed CRPR 4 = Plants with limited distribution 0.1 = Seriously Threatened

SNC = CDFW Sensitive Natural Community	0.2 = Fairly Threatened 0.3 = Not very Threatened
<p>Potential for Occurrence: for plants it is considered the potential to occur during the survey period; for birds and bats it is considered the potential to breed, forage, roost, or over-winter in the BSA during migration. Any bird or bat species could fly over the BSA, but this is not considered a potential occurrence. The categories for the potential for occurrence include:</p> <p>None: The species or natural community is known not to occur, and has no potential to occur in the BSA based on sufficient surveys, the lack suitable habitat, and/or the BSA is well outside of the known distribution of the species.</p> <p>Low: Potential habitat in the BSA is sub-marginal and/or the species is known to occur in the vicinity of the BSA.</p> <p>Moderate: Suitable habitat is present in the BSA and/or the species is known to occur in the vicinity of the BSA. Pre-construction surveys may be required.</p> <p>High: Habitat in the BSA is highly suitable for the species and there are reliable records close to the BSA, but the species was not observed. Pre-construction surveys required, with the exception of indicators for foraging habitat.</p> <p>Known: Species was detected in the BSA or a recent reliable record exists for the BSA.</p>	

The following special-status species have potential to occur within the BSA based on the presence of suitable habitat and/or known records of species occurrence within the vicinity of the BSA.

Endangered, Threatened, and Rare Plants

There were no endangered, threatened, or rare plants observed within the BSA during the botanical habitat assessment conducted on January 29, 2020. Additionally, no suitable habitats for endangered, threatened, or rare plants were observed during the assessment. A complete list of plant species observed within the BSA can be found in **Appendix B**.

Endangered, Threatened, and Special-status Wildlife

A wildlife habitat assessment was conducted within the BSA on January 29, 2020. Suitable habitat was identified for western spadefoot toad and several avian species protected under the MBTA and CFGC. A complete list of wildlife species observed within the BSA can be found in **Appendix B**.

Western Spadefoot Toad

The western spadefoot toad (*Spea hammondi*) is a SSC in California. It is an endemic species of the state. The western spadefoot toad ranges from the northern point of the Central Valley south to the western corner of California. They are a stocky, small toad that varies in colors from gray, green and brown and typically have four irregular spots or stripes on their back. Their eyes are described as being golden with vertical pupils. The most distinguishing feature of the toad is a hardened, black spade on the hind foot. The spade is used for burrowing into moist soils. Suitable habitat consists of open grasslands with intermittent streams and vernal pools. Vernal pools are essential for breeding and depositing eggs. Current threats facing the western spadefoot toad are loss of habitat, changes in hydrological regimes and human disturbances.

CNDDDB Occurrences

The nearest CNDDDB occurrence (#485) is approximately eight miles south east of the BSA. This occurrence is estimated to have taken place in the late 1970s.

Status of western spadefoot toad occurring in the BSA

The annual grasslands coupled with the seasonal riverine habitat within the BSA provide marginally suitable habitat for the western spadefoot toad. There is **low** potential for western spadefoot toads to occur within the BSA.

Migratory Birds and Raptors

Nesting birds are protected under the MBTA (16 USC 703), the CFGC (§3503), and the California Migratory Bird Protection Act (CMBPA, AB 454). The MBTA (16 USC §703) prohibits the killing of migratory birds or the destruction of their occupied nests and eggs except in accordance with regulations prescribed by the USFWS. The bird species covered by the MBTA includes nearly all of those that breed in North America, excluding introduced (i.e. exotic) species (50 Code of Federal Regulations §10.13).

The CFGC (§3503.5) states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks, eagles, and falcons) or Strigiformes (owls) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Take includes the disturbance of an active nest resulting in the abandonment or loss of young. The CFGC (§3503) also states that “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.”

The CMBPA amends the CFGC (§3513) to mirror the provisions of the MBTA and allow the State of California to enforce the prohibition of take or possession of any migratory nongame bird as designated in the federal MBTA, including incidental take. Activities that involve the removal of vegetation including trees, shrubs, grasses, and forbs or ground disturbance have the potential to affect bird species protected by the MBTA and the CFGC.

CNDDDB occurrences

The majority of migratory birds and raptors protected under the MBTA and CFGC are not recorded on the CNDDDB because they are abundant and widespread.

Status of migratory birds and raptors occurring in the BSA

There is suitable nesting habitat for a variety of avian species within and adjacent to the BSA.

REGULATORY FRAMEWORK

The following describes federal, state, and local environmental laws and policies that may be relevant if the BSA were to be developed or modified.

Federal

Federal Endangered Species Act

The United States Congress passed the ESA in 1973 to protect species that are endangered or threatened with extinction. The ESA is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

Under the ESA, species may be listed as either “endangered” or “threatened.” Endangered means a species is in danger of extinction throughout all or a significant portion of its range. Threatened means a species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range. All species of plants and animals, except non-native species and pest insects, are eligible for listing as endangered or threatened. The USFWS also maintains a list of “candidate” species. Candidate species are species for which there is enough information to warrant proposing them for listing, but that have not yet been proposed. “Proposed” species are those that have been proposed for listing, but have not yet been listed.

The ESA makes it unlawful to “take” a listed animal without a permit. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Through regulations, the term “harm” is defined as “an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.”

Migratory Bird Treaty Act

The MBTA (16 USC §703) prohibits the killing of migratory birds or the destruction of their occupied nests and eggs except in accordance with regulations prescribed by the USFWS. The bird species covered by the MBTA includes nearly all of those that breed in North America, excluding introduced (i.e. exotic) species (50 Code of Federal Regulations §10.13).

Clean Water Act, Section 401

The Clean Water Act (§401) requires water quality certification and authorization for placement of dredged or fill material in wetlands and Other Waters of the United States. In accordance with the Clean Water Act (§401), criteria for allowable discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. The resulting requirements are used as criteria in granting National Pollutant Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Regional Water Quality Control Board (RWQCB) per the Clean Water Act (§402). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

Waters of the United States, Clean Water Act, Section 404

The US Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged or fill material into jurisdictional waters of the United States, under the Clean Water Act (§404). The term “waters of the United States” is an encompassing term that includes “wetlands” and “other waters.” Wetlands have been defined for regulatory purposes as follows: “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3, 40 CFR 230.3). Wetlands generally include swamps, marshes, bogs, and similar areas.” other waters of the United States are seasonal or perennial water bodies, including lakes, stream channels, drainages, ponds, and other surface water features, that exhibit an ordinary high-water mark but lack positive indicators for one or more of the three wetland parameters (i.e., hydrophytic vegetation, hydric soil, and wetland hydrology) (33 CFR 328.4).

The Corps may issue either individual permits on a case-by-case basis or general permits on a program level. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects. Nationwide permits are general permits issued to cover particular fill activities. All nationwide permits have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each nationwide permit.

State of California

California Endangered Species Act

The California Endangered Species Act (CESA) is similar to the ESA, but pertains to state-listed endangered and threatened species. The CESA requires state agencies to consult with the CDFW when preparing documents to comply with the California Environmental Quality Act (CEQA). The purpose is to ensure that the actions of the lead agency do not jeopardize the continued existence of a listed species or result in the destruction, or adverse modification of habitat essential to the continued existence of those species. In addition to formal listing under the federal and state endangered species acts, “species of special concern” receive consideration by CDFW. Species of special concern are those whose numbers, reproductive success, or habitat may be threatened.

California Fish and Game Code (§3503.5)

The CFGC (§3503.5) states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks, eagles, and falcons) or Strigiformes (all owls except barn owls) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Take includes the disturbance of an active nest resulting in the abandonment or loss of young. The CFGC (§3503) also states that “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.”

California Migratory Bird Protection Act

The CMBPA amends the CFGC (§3513) to mirror the provisions of the MBTA and allow the State of California to enforce the prohibition of take or possession of any migratory nongame bird as designated in the federal MBTA, including incidental take.

Activities that involve the removal of vegetation including trees, shrubs, grasses, and forbs or ground disturbance have the potential to affect bird species protected by the MBTA and CFGC. Thus, vegetation removal and ground disturbance in areas with breeding birds should be conducted outside of the breeding season (approximately February 1 – August 31). If vegetation removal or ground-disturbing activities are conducted during the breeding season, then a qualified biologist must determine if there are any nests of bird species protected under the MBTA and CFGC present in the Project area prior to commencement of vegetation removal or ground-disturbing activities. If active nests are located or presumed present, then appropriate avoidance measures (e.g. spatial or temporal buffers) must be implemented.

Lake and Streambed Alteration Agreement, CFGC (§1602)

The CDFW is a trustee agency that has jurisdiction under the CFGC (§1600 et seq.). The CFGC (§1602), requires that a state or local government agency, public utility, or private entity must notify CDFW if a proposed Project will “substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds... except when the department has been notified pursuant to Section 1601.” If an existing fish or wildlife resource may be substantially adversely affected by the activity, CDFW may propose reasonable measures that will allow protection of those resources. If these measures are agreeable to the parties involved, they may enter into an agreement with CDFW identifying the approved activities and associated mitigation measures.

Rare and Endangered Plants

The CNPS maintains a list of plant species native to California with low population numbers, limited distribution, or otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS California Rare Plant Rank (CRPR) plants receive consideration under CEQA review. The CNPS CRPR categorizes plants as follows:

- Rank 1A: Plants presumed extinct in California;
- Rank 1B: Plants rare, threatened, or endangered in California or elsewhere;
- Rank 2A: Plants presumed extirpated or extinct in California, but not elsewhere;
- Rank 2B: Plants rare, threatened, or endangered in California, but more numerous elsewhere;
- Rank 3: Plants about which we need more information; and
- Rank 4: Plants of limited distribution.

The California Native Plant Protection Act (CFGC §1900-1913) prohibits the taking, possessing, or sale within the state of any plants with a state designation of rare, threatened, or endangered as defined by CDFW. An exception to this prohibition allows landowners, under specific circumstances, to take listed

plant species, provided that the owners first notify CDFW and give the agency at least 10 days to retrieve (and presumably replant) the plants before they are destroyed. Fish and Game Code §1913 exempts from the ‘take’ prohibition “the removal of endangered or rare native plants from a canal, lateral channel, building site, or road, or other right of way.”

California Environmental Quality Act Guidelines §15380

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines §15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled based on the definition in the ESA and the section of the CFGC dealing with rare, threatened, and endangered plants and animals. The CEQA Guidelines (§15380) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the USFWS or CDFW (e.g. candidate species, species of concern) would occur. Thus, CEQA provides an agency with the ability to protect a species from a project’s potential impacts until the respective government agencies have an opportunity to designate the species as protected, if warranted.

CONCLUSIONS AND RECOMMENDATIONS

Endangered, Threatened, and Rare Plants

There are no special-status botanical species present within the BSA and no suitable habitat for special-status botanical species was identified within the BSA; therefore, there will be no effects to botanical species and no avoidance and minimization measures are proposed.

Endangered, Threatened, and Special-status Wildlife

The following are the recommended minimization and mitigation measures to further reduce or eliminate Project-associated impacts to special-status wildlife species. These proposed measures may be amended or superseded by the Project-specific permits issued by the regulatory agencies.

Western Spadefoot Toad

Due to the low potential for western spadefoot toads to occur in the seasonal riverine habitat within the BSA, if their breeding habitat will be impacted by the Project a protocol-level survey conducted by a qualified biologist for this species is recommended to determine their presence/absence. If western spadefoot toads are determined to be present, consultation with the CDFW will be required.

Migratory Birds and Raptors

To avoid impacts to avian species protected under the MBTA and the CFGC the following are recommended avoidance and minimization measures for migratory birds and raptors:

- Project activities including site grubbing and vegetation removal shall be initiated outside of the bird nesting season (February 1 – August 31).
- If Project activities cannot be initiated outside of the bird nesting season, then the following will occur:

- A qualified biologist will conduct a pre-construction survey within 250 feet of the BSA, where accessible, within 7 days prior to the start of Project activities.
- If an active nest (i.e. containing egg[s] or young) is observed within the BSA or in an area adjacent to the BSA where impacts could occur, then a species protection buffer will be established. The species protection buffer will be defined by the qualified biologist based on the species, nest type and tolerance to disturbance. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails as determined by a qualified biologist. Nests shall be monitored by a qualified biologist once per week and a report submitted to the CEQA lead agency weekly.

Other Natural Resources

Waters of the United States

Gallaway Enterprises mapped one potentially jurisdictional feature within the BSA. Impacts to this feature may require a permit from the Corps and a CWA section 401 water quality certification from the Central Valley RWQCB. The Corps provides final determination by issuance of a jurisdictional determination on the location, extent and type of jurisdictional waters. We recommend that these features be avoided until after a formal delineation of waters of the U.S. is made, and if needed, permits from the Corps and Central Valley RWQCB are obtained.

Additionally, Gallaway Enterprises recommends a physical barrier such as orange environmentally sensitive area (ESA) fencing or silt fence be installed between the riverine habitat and areas of active construction to ensure avoidance is maintained.

Tree Removal

If any healthy, living trees greater than 31 inches in diameter measured at breast height (dbh) within the BSA are proposed to be removed, tree removal may be subject to the Town of Paradise's municipal code chapter 8.12 (Felling, Removal, Destruction, Damaging and Replacement of Trees) and may require permitting and mitigation. If hazardous trees within the BSA are proposed to be removed, they may be subject to Paradise municipal code chapters 8.59 (Removal of Fire Damaged Debris from Private Property Following the Camp Fire) and/or 8.63 (Mandatory Government Hazard Tree Removal Program).

REFERENCES

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LIST OF PREPARERS

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Cate Reid. GIS Analyst and Cultural Resource Specialist. M.A. in Anthropology with a specialization in GIS applications and land use studies, California State University, Chico. Mrs. Reid has over 5 years of experience working with GIS while incorporating surveying applications, analysis of datasets, and collection of field data in order to create professional quality graphics and reports.

Appendix A

Species Lists



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:

January 29, 2020

Consultation Code: 08ESMF00-2020-SLI-0894

Event Code: 08ESMF00-2020-E-02847

Project Name: Skyway Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

(916) 414-6600

Project Summary

Consultation Code: 08ESMF00-2020-SLI-0894

Event Code: 08ESMF00-2020-E-02847

Project Name: Skyway Project

Project Type: FORESTRY

Project Description: It is proposed that this area be used to pile logs and log related material.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/39.74269402400006N121.64979399986001W>



Counties: Butte, CA

Endangered Species Act Species

There is a total of 10 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Reptiles

NAME	STATUS
Giant Garter Snake <i>Thamnophis gigas</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4482	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2891 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7850 Habitat assessment guidelines: https://ecos.fws.gov/ipac/guideline/assessment/population/436/office/11420.pdf	Threatened

Crustaceans

NAME	STATUS
Conservancy Fairy Shrimp <i>Branchinecta conservatio</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8246	Endangered
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/498	Threatened
Vernal Pool Tadpole Shrimp <i>Lepidurus packardii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2246	Endangered

Flowering Plants

NAME	STATUS
Greene's Tuctoria <i>Tuctoria greenei</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1573	Endangered
Hairy Orcutt Grass <i>Orcuttia pilosa</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2262	Endangered
Hoover's Spurge <i>Chamaesyce hooveri</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3019	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

*The database used to provide updates to the Online Inventory is under construction. [View updates and changes made since May 2019 here.](#)

Plant List

46 matches found. [Click on scientific name for details](#)

Search Criteria

Found in Quads 3912166, 3912176 3912175 and 3912165;

[Modify Search Criteria](#) [Export to Excel](#) [Modify Columns](#) [Modify Sort](#) [Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Listing Status	Federal Listing Status	Lowest Elevation	Highest Elevation
Allium jepsonii	Jepson's onion	Alliaceae	perennial bulbiferous herb	Apr-Aug	1B.2			300 m	1320 m
Allium sanbornii var. sanbornii	Sanborn's onion	Alliaceae	perennial bulbiferous herb	May-Sep	4.2			260 m	1510 m
Arctostaphylos mewukka ssp. truei	True's manzanita	Ericaceae	perennial evergreen shrub	Feb-Jul	4.2			425 m	1390 m
Astragalus pauperculus	depauperate milk-vetch	Fabaceae	annual herb	Mar-Jun	4.3			60 m	1215 m
Brodiaea rosea ssp. vallicola	valley brodiaea	Themidaceae	perennial bulbiferous herb	Apr-May(Jun)	4.2			10 m	335 m
Brodiaea sierrae	Sierra foothills brodiaea	Themidaceae	perennial bulbiferous herb	May-Aug	4.3			50 m	980 m
Bulbostylis capillaris	thread-leaved beakseed	Cyperaceae	annual herb	Jun-Aug	4.2			395 m	2075 m
Calycadenia oppositifolia	Butte County calycadenia	Asteraceae	annual herb	Apr-Jul	4.2			90 m	945 m
Calystegia atriplicifolia ssp. buttensis	Butte County morning-glory	Convolvulaceae	perennial rhizomatous herb	May-Jul	4.2			565 m	152

<u>Cardamine pachystigma var. dissectifolia</u>	dissected-leaved toothwort	Brassicaceae	perennial rhizomatous herb	Feb-May	1B.2		255 m	2100 m
<u>Carex xerophila</u>	chaparral sedge	Cyperaceae	perennial herb	Mar-Jun	1B.2		440 m	770 m
<u>Castilleja rubicundula var. rubicundula</u>	pink creamsacs	Orobanchaceae	annual herb (hemiparasitic)	Apr-Jun	1B.2		20 m	910 m
<u>Clarkia gracilis ssp. albicaulis</u>	white-stemmed clarkia	Onagraceae	annual herb	May-Jul	1B.2		245 m	1085 m
<u>Clarkia mildrediae ssp. lutescens</u>	golden-anthered clarkia	Onagraceae	annual herb	Jun-Aug	4.2		275 m	1750 m
<u>Clarkia mildrediae ssp. mildrediae</u>	Mildred's clarkia	Onagraceae	annual herb	May-Aug	1B.3		245 m	1710 m
<u>Clarkia mosquinii</u>	Mosquin's clarkia	Onagraceae	annual herb	May-Jul(Sep)	1B.1		185 m	1490 m
<u>Claytonia palustris</u>	marsh claytonia	Montiaceae	perennial herb	May-Oct	4.3		1000 m	2500 m
<u>Claytonia parviflora ssp. grandiflora</u>	streambank spring beauty	Montiaceae	annual herb	Feb-May	4.2		250 m	1200 m
<u>Cypripedium fasciculatum</u>	clustered lady's-slipper	Orchidaceae	perennial rhizomatous herb	Mar-Aug	4.2		100 m	2435 m
<u>Erigeron petrophilus var. sierrensis</u>	northern Sierra daisy	Asteraceae	perennial rhizomatous herb	Jun-Oct	4.3		300 m	2073 m
<u>Eriogonum umbellatum var. ahartii</u>	Ahart's buckwheat	Polygonaceae	perennial herb	Jun-Sep	1B.2		400 m	2000 m
<u>Erythranthe glaucescens</u>	shield-bracted monkeyflower	Phrymaceae	annual herb	Feb-Aug(Sep)	4.3		60 m	1240 m
<u>Erythranthe inconspicua</u>	small-flowered monkeyflower	Phrymaceae	annual herb	May-Jun	4.3		274 m	760 m
<u>Euphorbia hooveri</u>	Hoover's spurge	Euphorbiaceae	annual herb	Jul-Sep(Oct)	1B.2	FT	25 m	250 m
<u>Frangula purshiana ssp. ultramafica</u>	Caribou coffeeberry	Rhamnaceae	perennial deciduous shrub	May-Jul	1B.2		825 m	1930 m
<u>Fritillaria eastwoodiae</u>	Butte County fritillary	Liliaceae	perennial bulbiferous herb	Mar-Jun	3.2		50 m	1500 m
<u>Fritillaria pluriflora</u>	adobe-lily	Liliaceae	perennial bulbiferous herb	Feb-Apr	1B.2		60 m	705 m
<u>Githopsis pulchella ssp. serpenticola</u>	serpentine bluecup	Campanulaceae	annual herb	May-Jun	4.3		320 m	610 m
<u>Hibiscus lasiocarpus var. occidentalis</u>	woolly rose-mallow	Malvaceae	perennial rhizomatous herb (emergent)	Jun-Sep	1B.2		0 m	1200

<u>Imperata brevifolia</u>	California satintail	Poaceae	perennial rhizomatous herb	Sep-May	2B.1			0 m	1215 m
<u>Juncus leiospermus var. leiospermus</u>	Red Bluff dwarf rush	Juncaceae	annual herb	Mar-Jun	1B.1			35 m	1250 m
<u>Layia septentrionalis</u>	Colusa layia	Asteraceae	annual herb	Apr-May	1B.2			100 m	1095 m
<u>Lilium humboldtii ssp. humboldtii</u>	Humboldt lily	Liliaceae	perennial bulbiferous herb	May-Jul(Aug)	4.2			90 m	1280 m
<u>Monardella venosa</u>	veiny monardella	Lamiaceae	annual herb	May,Jul	1B.1			60 m	410 m
<u>Navarretia heterandra</u>	Tehama navarretia	Polemoniaceae	annual herb	Apr-Jun	4.3			30 m	1010 m
<u>Navarretia nigelliformis ssp. nigelliformis</u>	adobe navarretia	Polemoniaceae	annual herb	Apr-Jun	4.2			100 m	1000 m
<u>Orcuttia pilosa</u>	hairy Orcutt grass	Poaceae	annual herb	May-Sep	1B.1	CE	FE	46 m	200 m
<u>Packera eurycephala var. lewisroei</u>	Lewis Rose's ragwort	Asteraceae	perennial herb	Mar-Jul(Aug-Sep)	1B.2			274 m	1890 m
<u>Polygonum bidwelliae</u>	Bidwell's knotweed	Polygonaceae	annual herb	Apr-Jul	4.3			60 m	1200 m
<u>Rhynchospora californica</u>	California beaked-rush	Cyperaceae	perennial rhizomatous herb	May-Jul	1B.1			45 m	1010 m
<u>Rhynchospora capitellata</u>	brownish beaked-rush	Cyperaceae	perennial herb	Jul-Aug	2B.2			45 m	2000 m
<u>Sidalcea gigantea</u>	giant checkerbloom	Malvaceae	perennial rhizomatous herb	(Jan-Jun)Jul-Oct	4.3			670 m	1950 m
<u>Sidalcea robusta</u>	Butte County checkerbloom	Malvaceae	perennial rhizomatous herb	Apr,Jun	1B.2			90 m	1600 m
<u>Streptanthus drepanoides</u>	sickle-fruit jewelflower	Brassicaceae	annual herb	Apr-Jun	4.3			275 m	1660 m
<u>Streptanthus longisiliquus</u>	long-fruit jewelflower	Brassicaceae	perennial herb	Apr-Sep	4.3			715 m	1500 m
<u>Tuctoria greenei</u>	Greene's tuctoria	Poaceae	annual herb	May-Jul(Sep)	1B.1	CR	FE	30 m	1070 m

Suggested Citation

California Native Plant Society, Rare Plant Program. 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed 30 January 2020].

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Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad< IS (Hamlin Canyon (3912166) OR Cherokee (3912165) OR Paradise East (3912175) OR Paradise West (3912176))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Ahart's buckwheat <i>Eriogonum umbellatum</i> var. <i>ahartii</i>	PDPGN086UY	None	None	G5T3	S3	1B.2
American peregrine falcon <i>Falco peregrinus anatum</i>	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP
bald eagle <i>Haliaeetus leucocephalus</i>	ABNKC10010	Delisted	Endangered	G5	S3	FP
brownish beaked-rush <i>Rhynchospora capitellata</i>	PMCYP0N080	None	None	G5	S1	2B.2
Butte County checkerbloom <i>Sidalcea robusta</i>	PDMAL110P0	None	None	G2	S2	1B.2
Butte County fritillary <i>Fritillaria eastwoodiae</i>	PMLIL0V060	None	None	G3Q	S3	3.2
Butte County morning-glory <i>Calystegia atriplicifolia</i> ssp. <i>buttensis</i>	PDCON04012	None	None	G5T3	S3	4.2
California beaked-rush <i>Rhynchospora californica</i>	PMCYP0N060	None	None	G1	S1	1B.1
California black rail <i>Laterallus jamaicensis coturniculus</i>	ABNME03041	None	Threatened	G3G4T1	S1	FP
California satintail <i>Imperata brevifolia</i>	PMPOA3D020	None	None	G4	S3	2B.1
Caribou coffeeberry <i>Frangula purshiana</i> ssp. <i>ultramafica</i>	PDRHA0H061	None	None	G4T2T3	S2S3	1B.2
chaparral sedge <i>Carex xerophila</i>	PMCYP03M60	None	None	G2	S2	1B.2
chinook salmon - Central Valley spring-run ESU <i>Oncorhynchus tshawytscha</i> pop. 6	AFCHA0205A	Threatened	Threatened	G5	S1	
closed-throated beardtongue <i>Penstemon personatus</i>	PDSCR1L4Y0	None	None	G2	S2	1B.2
coast horned lizard <i>Phrynosoma blainvillii</i>	ARACF12100	None	None	G3G4	S3S4	SSC
Colusa layia <i>Layia septentrionalis</i>	PDAST5N0F0	None	None	G2	S2	1B.2
dissected-leaved toothwort <i>Cardamine pachystigma</i> var. <i>dissectifolia</i>	PDBRA0K1B1	None	None	G3G5T2Q	S2	1B.2
foothill yellow-legged frog <i>Rana boylei</i>	AAABH01050	None	Candidate Threatened	G3	S3	SSC
Great Valley Cottonwood Riparian Forest <i>Great Valley Cottonwood Riparian Forest</i>	CTT61410CA	None	None	G2	S2.1	



Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Greene's tuctoria <i>Tuctoria greenei</i>	PMPOA6N010	Endangered	Rare	G1	S1	1B.1
Hoover's spurge <i>Euphorbia hooveri</i>	PDEUP0D150	Threatened	None	G1	S1	1B.2
Jepson's onion <i>Allium jepsonii</i>	PMLIL022V0	None	None	G2	S2	1B.2
Lewis Rose's ragwort <i>Packera eurycephala</i> var. <i>lewisrosei</i>	PDAST8H182	None	None	G4T2	S2	1B.2
Mildred's clarkia <i>Clarkia mildrediae</i> ssp. <i>mildrediae</i>	PDONA050Q2	None	None	G3T2T3	S2S3	1B.3
Mosquin's clarkia <i>Clarkia mosquinii</i>	PDONA050S0	None	None	G2	S2	1B.1
North American porcupine <i>Erethizon dorsatum</i>	AMAFJ01010	None	None	G5	S3	
Northern Basalt Flow Vernal Pool <i>Northern Basalt Flow Vernal Pool</i>	CTT44131CA	None	None	G3	S2.2	
Northern Hardpan Vernal Pool <i>Northern Hardpan Vernal Pool</i>	CTT44110CA	None	None	G3	S3.1	
pink creamsacs <i>Castilleja rubicundula</i> var. <i>rubicundula</i>	PDSCR0D482	None	None	G5T2	S2	1B.2
Red Bluff dwarf rush <i>Juncus leiostermus</i> var. <i>leiostermus</i>	PMJUN011L2	None	None	G2T2	S2	1B.1
silver-haired bat <i>Lasionycteris noctivagans</i>	AMACC02010	None	None	G5	S3S4	
steelhead - Central Valley DPS <i>Oncorhynchus mykiss irideus</i> pop. 11	AFCHA0209K	Threatened	None	G5T2Q	S2	
tricolored blackbird <i>Agelaius tricolor</i>	ABPBXB0020	None	Threatened	G2G3	S1S2	SSC
veiny monardella <i>Monardella venosa</i>	PDLAM18082	None	None	G1	S1	1B.1
vernal pool tadpole shrimp <i>Lepidurus packardii</i>	ICBRA10010	Endangered	None	G4	S3S4	
western pond turtle <i>Emys marmorata</i>	ARAAD02030	None	None	G3G4	S3	SSC
western spadefoot <i>Spea hammondi</i>	AAABF02020	None	None	G3	S3	SSC
white-stemmed clarkia <i>Clarkia gracilis</i> ssp. <i>albicaulis</i>	PDONA050J1	None	None	G5T3	S3	1B.2
woolly rose-mallow <i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>	PDMAL0H0R3	None	None	G5T3	S3	1B.2
Yuma myotis <i>Myotis yumanensis</i>	AMACC01020	None	None	G5	S4	

Record Count: 18

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Appendix B

Observed Plant and Wildlife Species List

Plant Species Observed within the BSA January 29, 2020	
Scientific Name	Common Name
<i>Arctostaphylos manzanita</i> ssp. <i>manzanita</i>	Big manzanita
<i>Arctostaphylos viscida</i>	White-leaved manzanita
<i>Avena</i> sp.	Wild oats
<i>Briza maxima</i>	Greater quaking-grass
<i>Bromus diandrus</i>	Rip-gut brome
<i>Bromus hordeaceus</i>	Soft chess
<i>Bromus madritensis</i> ssp. <i>rubens</i>	Red brome
<i>Calystegia occidentalis</i> ssp. <i>occidentalis</i>	Western morning glory
<i>Ceanothus cuneatus</i> var. <i>cuneatus</i>	Buck brush
<i>Centaurea solstitialis</i>	Yellow star thistle
<i>Cercis occidentalis</i>	Western redbud
<i>Claytonia perfoliata</i>	Miner's lettuce
<i>Croton setiger</i>	Turkey-mullein
<i>Crucianella angustifolia</i>	Crosswort
<i>Cynosurus echinatus</i>	Hedgehog dogtail
<i>Cyperus eragrostis</i>	Tall nutsedge
<i>Cytisus scoparius</i>	Scotch broom
<i>Elymus glaucus</i>	Blue wildrye
<i>Epilobium</i> sp.	Willowherb
<i>Erigeron bonariensis</i>	South American horseweed
<i>Eriodictyon californicum</i>	Yerba santa
<i>Eriophyllum lanatum</i> var. <i>grandiflorum</i>	Large-flowered wooly sunflower
<i>Erodium botrys</i>	Long-beaked stork's-bill
<i>Erodium cicutarium</i>	Cut-leaf filaree
<i>Festuca bromoides</i>	Six-weeks fescue
<i>Festuca perennis</i>	Rye-grass
<i>Galium parisiense</i>	Wall bedstraw
<i>Gastridium phleoides</i>	Nitgrass
<i>Geranium dissectum</i>	Cut-leaved geranium
<i>Heliotropium europaeum</i>	European heliotrope
<i>Heteromeles arbutifolia</i>	Toyon
<i>Hordeum marinum</i> ssp. <i>gussoneanum</i>	Mediterranean barley
<i>Hypericum perforatum</i>	Klamathweed
<i>Hypochaeris glabra</i>	Smooth cat's ear
<i>Juncus effusus</i>	Pacific rush
<i>Kickxia elatine</i>	Sharp-leaved fluellin
<i>Lactuca serriola</i>	Prickly lettuce
<i>Leontodon saxatilis</i>	Hawkbit
<i>Lepechinia calycina</i>	California pitcher-sage
<i>Lonicera interrupta</i>	Chaparral honeysuckle
<i>Malva</i> sp.	Bull mallow
<i>Pinus ponderosa</i>	Ponderosa pine
<i>Pinus sabiniana</i>	Gray pine/Foothill pine

Scientific Name	Common Name
<i>Plantago lanceolata</i>	English plantain
<i>Poa annua</i>	Annual bluegrass
<i>Polygonum aviculare</i>	Prostrate knotweed
<i>Polypogon monspeliensis</i>	Rabbitsfoot grass
<i>Pseudognaphalium luteoalbum</i>	Weedy cudweed
<i>Quercus berberidifolia</i>	Scrub oak
<i>Quercus kelloggii</i>	California black oak
<i>Quercus wislizeni</i>	Live oak
<i>Rorippa sp.</i>	Watercress
<i>Rubus armeniacus</i>	Himalayan blackberry
<i>Rumex crispus</i>	Curly dock
<i>Salix gooddingii</i>	Goodding's black willow
<i>Salix lasiolepis</i>	Arroyo willow
<i>Sambucus nigra ssp. caerulea</i>	Blue elderberry
<i>Sherardia arvensis</i>	Field-madder
<i>Silybum marianum</i>	Milk thistle
<i>Sisymbrium officinale</i>	Hedge mustard
<i>Solanum americanum</i>	Common nightshade
<i>Solidago velutina ssp. californica</i>	California goldenrod
<i>Sonchus asper</i>	Sow thistle
<i>Sorghum halepense</i>	Johnsongrass
<i>Stellaria media</i>	Common chickweed
<i>Taraxacum officinale</i>	Dandelion
<i>Torilis arvensis</i>	Hedge parsley
<i>Toxicodendron diversilobum</i>	Poison oak
<i>Tragopogon dubius</i>	Yellow salsify
<i>Trifolium sp.</i>	Clover
<i>Trifolium hirtum</i>	Rose clover
<i>Trifolium willdenovii</i>	Wildcat clover
<i>Umbellularia californica</i>	California bay laurel
<i>Verbascum blattaria</i>	Moth mullein
<i>Verbascum thapsus</i>	Woolly mullein
<i>Vicia villosa</i>	Winter vetch

Wildlife Species Observed within the BSA January 29, 2020	
Scientific Name	Common Name
<i>Corvus brachyrhynchos</i>	American Crow
<i>Cathartes aura</i>	Turkey Vulture
<i>Selasphorus rufus</i>	Rufus Hummingbird
<i>Melospiza melodia</i>	Song Sparrow
<i>Zonotrichia leucophrys</i>	White-Crowned Sparrow
<i>Vireo huttoni</i>	Hutton's Verio
<i>Callipepla californica</i>	California Quail
<i>Setophaga coronata</i>	Yellow-rumped Warbler
<i>Junco hyemalis</i>	Dark-eyed Junco

Scientific Name	Common Name
<i>Zenaida macroura</i>	Mourning Dove
<i>Pseudacris regilla</i>	Pacific Tree Frog

*Deer scat observed within BSA.

Appendix C

Project Site Photos Taken January 29, 2020



Overview of the BSA facing west. The barren and disturbed annual grass habitats can be seen.



Overview of the BSA. Taken at eastern boundary facing west.



Overview of the BSA. Taken at western boundary facing east.



Taken at the southern boundary facing north, in the middle of the BSA.



Ponded area within the seasonal riverine habitat in the eastern section of the BSA.



Overview of the seasonal riverine habitat in the eastern section of the BSA.



Overview of the smaller parcel on the northside of the eastern bound Skyway Road. Taken at southern boundry, facing north.



Overview of the smaller parcel on the northside of the eastern bound Skyway Road. Taken at southern boundry, facing northwest.



TOWN OF PARADISE

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www.townofparadise.com

April 29, 2020

TEMPORARY USE PERMIT

Anderson Brothers Corporation
Attn: David Anderson
P.O. Box 535
Paradise, CA 95967

Subject: Anderson Log Storage & Processing Yard Temporary Use Permit (PL19-00383);
AP No. 051-230-047, 054, 055 & 051-240-011 & 012

Dear Mr. Anderson:

Pursuant to Paradise Municipal Code Chapter 17.32 [Temporary Use Regulations] and the provisions of Section 8 of Town Urgency Ordinance #590 relating to the removal of fire damaged debris from private property following the Camp Fire, your application for an temporary use permit to allow a **“Log Storage & Processing Yard”** land use on properties located adjoining and primarily due south of 4716 thru 4724 Skyway **is hereby authorized**, based on and subject to the following findings and conditions:

I. FINDINGS

- A. The proposed project is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080(b)(3) and Section 15269 (Emergency Project) of the California Environmental Quality Act. Guidelines.
- B. Find that the project, as conditioned, complies with all applicable regulations found within Urgency Ordinance #590, Section 8, relating to Temporary Log Storage Yards.
- C. As conditioned, the temporary use will not be detrimental to the health, safety, and general welfare of the residents of the Town of Paradise.

II. **GENERAL REQUIREMENTS; CONDITIONS AND RESTRICTIONS:**

- 1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this temporary use permit constitutes cause for the revocation of said permit in accordance with the provisions set forth in Paradise Municipal Code Chapter 17.32.

Municipal Code (PMC) Section 17.32.600 [Revocation of Temporary Use Permit].

2. Acceptance and processing of logs and wood waste originating from the Government Hazard Tree Removal Program **is prohibited**.
3. Unless otherwise provided for in a special condition to this Permit, all conditions must be completed **prior to** the establishment of the granted land use.
4. The temporary use permit shall expire **December 31, 2020**, or until such date as stated in Urgency Ordinance #590, if extended by the Town Council.
5. Neither the applicant, nor any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the Community Development/Planning Director to commence a revocation meeting, and, if proven to exist, shall constitute grounds to revoke the Temporary Use Permit.
6. The authorized temporary land use shall be confined to be maintained and conducted upon the affected project properties in a manner consistent with the project submittal materials and revised site plan map received on February 6, 2020 and on file with the Town Department of Development Services. Minor changes to the plans may be allowed subject to written approval of the Community Development Director only if found to be in substantial conformance to the approved project.
7. If the temporary land use is to be using PID water, then the applicant must apply for and pay for a PID construction meter.
8. The property owner(s) shall be required to establish and sustain waste collection services for the project properties provided by **NRWS** during the Temporary Log Storage & Processing Yard land use.
9. The applicant shall construct and operate this project in strict compliance with the approvals granted herein, Town standards, local ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between Town laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
10. The project site properties occupied by the temporary land use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the temporary Log Storage & Processing Yard.
11. The property owner(s) shall defend, indemnify and hold harmless the Town of Paradise from any liability or court costs relating to any claim or action brought within 90 days after the approval of this permit to attack or challenge the approval of Log Storage & Processing Yard Temporary Use Permit [PL19-00383].

III. TEMPORARY LAND USE CONDITIONS OF APPROVAL:

1. **Allowed Uses.** Temporary Log Storage & Processing Yards allow for the storage and processing of logs and vegetation but not burning of logs and vegetation, and may include associated equipment repair, construction trailers, employee parking and portable bathroom facilities and/or transitory shelter set up for use by the personnel assigned to the yard, but not residences.
2. Logs and wood waste originating from routine utility line maintenance shall **not be stored** at this specific Temporary Log Storage Yard.
3. **Storage or Processing of Fire Debris Prohibited.** The storage or processing of debris from the **Camp Fire Consolidated Debris Removal Program** at this Temporary Log Storage Yard, including the storage of trucks or equipment loaded with debris, **shall be expressly prohibited.**
4. **Noise.** Quiet hours shall be maintained between 7 p.m. to 7 a.m. seven days a week. During quiet hours, generators and heavy equipment shall not be operated, and noise levels shall conform to Paradise Municipal Code Chapter 9.18 [Noise Control]. Outside of quiet hours, noise sources associated with temporary log storage yards shall be exempt from the requirements of PMC Chapter 9.18.
5. **Siting Criteria.** To the extent practicable, temporary log storage yards shall be located on flat areas of the project site that are already disturbed and in such a manner to decrease impacts to uses of surrounding properties.
6. **Approved Access.** This temporary log storage & processing yard shall have access onto Skyway, a public road. Project site access approach shall be made in accordance with and to the satisfaction of the Town Engineer.
7. Any truck movements entering or exiting the project site that creates a traffic hazard shall be corrected to the satisfaction of and in a manner deemed acceptable to the Town Engineer and the Police Chief.
8. **On-site Roads, Driveways and Aisles.** This temporary log storage & processing yard shall have on-site roads, driveways and aisles that shall have a 6-inch Class 2 aggregate base, a minimum width of 25 feet, and shall be capable of supporting a 75,000 lb. load that will allow for ingress and egress of fire apparatus to within 150 feet of all piles and structures, and shall have a vertical clearance of not less than 15 feet.
9. **Biological Resources.** Temporary log storage yards are not to be located on lands containing wetlands, and/or endangered and protected plants and animal species. A current biological resource assessment report has been submitted to the Town Department of Development Services demonstrating that no special-status botanical species are present within the project site properties. **The report identified potential project associated impacts to special-status wildlife species and a potential jurisdictional wetland feature that are recommended to be assigned minimization and mitigation measures that**

Town of Paradise hereby requires to be implemented by the project applicant.

10. **Outdoor Lighting.** The project applicant proposes to provide portable site lighting at active ingress and egress locations of the site. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property lines, or into the public right-of-way in accordance with Paradise Municipal Code Section 17.06.810 [Lighting Fixtures].
11. **Property Line Setbacks and Defensible Space.** All log piles and other piles shall be setback a minimum of 150 feet from all outside property lines and any permanent structures. There shall be an area of defensible space that is a minimum of 150 feet wide around the perimeter of the temporary log storage area that shall not be graded but shall be kept clear of grass and vegetation to support fire protection by clearing, disking, grubbing, and/or scraping. **CAL-FIRE** shall have discretion to address unique circumstances.
12. **Paradise Fire Department/CAL-FIRE Standards.** This temporary land use shall adhere to and comply with all applicable Paradise Fire Department/CAL-FIRE standards. State standards set out in California Fire Code Chapter 28 with respect to log storage yards and incidental wood products stored at the project site shall apply.
13. The project's submitted "**Material Handling & Fire Prevention Plan**" shall be established and implemented satisfactory to the Town of Paradise Fire Department/CAL-FIRE.
14. CAL-FIRE requires a portable pump capable of pumping 50 gallons per minute and a minimum of 250 gallons of water on site for fire suppression. A water tender with a minimum 250-gallon capacity may suffice for this requirement [Public Resources Code, Section 4430].
15. Per California Public Resource Code, Section 4428, the project site shall have a sealed box of tools that shall be located, within the operating area, at a point accessible in the event of a fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools and an appropriate number of shovels so that each employee at the operation can be equipped to fight fire. In addition, one or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area.
 - a. Whenever a fire starts, a telephone call shall be made to 911 immediately to inform that there is a fire. The facility operator shall develop a plan for monitoring, controlling, and extinguishing fires. The plan shall be submitted with the temporary use permit application for review and approval by fire officials.
 - b. Smoking may only occur in designated locations shown on the project site plan.
 - c. Log piles shall not exceed 20 feet in height, 300 feet in width, and 500 feet in length. Log piles shall be stabilized by a means approved by the Fire Chief or his/her designee.
 - d. Other piles made of incidental log related materials shall not exceed 20 feet in height; 150 feet in width, and 250 feet in length.
 - e. All piles shall be separated from all other piles by 100 feet and shall include on-site roads, driveways, and aisles as previously discussed.
 - f. All piles shall be monitored by a means approved by the Fire Chief to meas

- temperatures. Internal pile temperatures shall be monitored and recorded weekly. A plan by the permittee for restricting and mitigating excessive temperatures shall be submitted with the temporary use permit application for review and approval by fire officials.
- g. Regular inspections of the temporary log storage yard by trained fire personnel shall be allowed and facilitated by the facility operator.
 - h. Cutting activities shall comply with California Fire Code Chapter 35.
16. **Butte County Public Health, Environmental Health Division.** The project description indicates temperatures of chips will be taken using a digital or analog temperature probe, and that temperatures will be recorded into a database record. All records need to be kept on-site so to be available to the Local Enforcement Agency [LEA] during site inspections.
17. Project description indicates that all chips produced will be hauled off to a cogeneration plant. **[Note:** Any chips that will be land applied must be lab tested for pathogens, heavy metals and physical contaminants.]
18. Project operator shall handle and maintain slash & chip piles at an internal temperature of less than 122F and shall be monitored. Temperatures of green material piles are to be taken at least once a week, or more often as needed. If the pile temperature exceeds 122F, then Operator shall apply effective measures to reduce heat.
19. Project description indicates that there will be minimal chip storage on-site. Each load of green material must be removed from the chip & grind site within seven (7) days of receipt. In addition, the project operation shall be conducted to minimize odors, dust and litter migrating off the site.
20. Butte County Environmental Health may conduct site inspections at any time to determine compliance with applicable standards, or in response to a complaint. [NOTE: Failure to maintain the green material and chip pile maximum core temperature of 122F will result in enforcement action by Butte County Environmental Health.
21. In the event the site fails to meet the allowable chip storage time or the maximum temperature limits for a Chipping & Grinding operation it will be regarded as a compostable material handling (composting) facility and all pertinent regulations will apply.
22. For sanitation purposes there shall be a minimum of one portable toilet and one handwash station at the facility for employee use. The portable toilet shall be routinely serviced by a licensed service provider.
23. The storage of any hazardous material at or above State-defined thresholds shall require the approval of a Hazardous Material Business Plan by the Butte County Department of Public Health, Environmental Health Division.
24. For water that is provided for human consumption, from an on-site source or transported to the facility and held in a storage tank, the facility operator shall meet the following requirements: a) if 25 or more people per day are consuming the water, the facility operator shall contact the Butte County Environmental Health Division for public system permitting

requirements and shall operate in accordance with those requirements; b) if there are fewer than 25 people/day consuming the water, the facility shall have the water tested for and be in compliance with minimum bacteriological standards of the Butte County Environmental Health Division. If bottled water is provided, there is no requirements for testing.

25. **Air Quality and Dust Control.** Per the Butte County Air Quality Management District, the proposed project shall be subject to District Rule 205—Fugitive Dust Emissions/ Requirements that shall include, but not be limited to: a) Reduce the amount of disturbed area where possible. Stabilize disturbed area soils during use and at project completion, b) Apply water or stabilizing agent with necessary quantities to prevent the generation of visible dust plumes. c) Limit vehicle speeds to 15 miles per hour on any unpaved surfaces at the project site. d) Clean visible track-out onto adjacent paved roadways daily. Track-out shall not extend more than 25 feet in cumulative length from the active project site. and e) Post a sign in a prominent location visible to the public with the telephone number of the contractor and Air District for any questions or concerns about dust from the project.
26. Portable equipment and engines (rated at 50 HP or greater) may operate at the location for up to 12 consecutive months in each of two potential consecutive years. Authorization may be by registration in the State Portable Equipment Registration Program (PERP) or the Butte County Air Quality Management District or, if under the Emergency Declaration, by filing a Form 40 with the State PERP. Operation beyond 12 months and stationary sources require an air quality permit from the District.
27. **Perimeter Stormwater Control.** The temporary log storage yard must be designed, prepared and operated with project improvements that adhere to and comply with perimeter stormwater control standards of the Town Public Works Department and the State Water Quality Control Board such that water accumulating within the project will be carried away from the project without injury to any adjacent improvement, residential sites, and /or adjoining areas.
28. **Water Quality and Erosion Control.** This temporary land use shall be established and operated in accordance with its Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer along with submittal of a Notice of Intent to obtain coverage under the General Permit Order 2009-0009-DWQ as amended. The project applicant shall adhere to and comply with all applicable water quality and erosion control standards of the Town Public Works Department and the State Water Quality Control Board.
29. **Electricity and Electrical Equipment.** If any new electricity connections are to be brought to the project site, a building permit shall be required. Electrical wiring and equipment shall comply with the Town adopted California Electrical Code.
30. **Building Permit(s).** The applicant shall obtain all necessary building permits from the Town Building Division for any proposed structures to be constructed at the project site. The applicant shall submit building plans and specifications prepared by a California registered design professional (engineer or architect) demonstrating compliance with the current Town adopted California Code requirements.

31. **Project Site Reclamation/Restoration.** There shall be no grading of the project site **without the prior approval of the Town Engineer**, but if grading is allowed, topsoil shall be conserved to be used for project site reclamation. At minimum, the project submitted and Town approved Reclamation/Restoration Plan shall include: a) Clearance of the site of all vehicles, equipment and materials utilized as part of the Temporary Log Storage Yard; and b) Stabilization of the site, implementation of erosion control measures, and successful revegetation to the satisfaction of the Community Development Director in order to render the affected project properties suitable for the land use(s) for which zoned.
32. **Performance Guarantee.** Prior to establishment and operation of the Temporary Log Storage Yard the project applicant shall submit to the Town of Paradise a **“project performance guarantee”** in the amount of **\$2,000/acre of land disturbed** pursuant to Paradise Municipal Code Section 17.32.400 in order to guarantee the proper completion of any approved work and to ensure that site reclamation is completed to the satisfaction of the Community Development Director.
33. Project site lands shall be restored and/or reclaimed to the satisfaction of the Community Development Director **prior to release of the performance guarantee.**
34. **Additional Requirements.** The temporary use permit may be subject to additional requirements from the Butte County Air Quality Management District, the Butte County Public Health Department, CAL-FIRE, the State Regional Water Quality Control Board, and the Town Public Works Department.
35. **Violations, Enforcement, and Penalties.** Approved operations of this Temporary Log Storage Yard shall be managed and monitored to ensure that activities do not constitute a public nuisance, as defined in State and local law. A temporary log storage yard that is operating in violation of the Paradise Municipal Code, and the conditions of this permit, poses a health and safety hazard and is found to be a public nuisance.
36. The Community Development Director may initiate enforcement using any process set forth in the Paradise Municipal Code, including, but not limited to Chapter 1.08 (Enforcement of Violations), Chapter 1.09 (Administrative Civil Penalties) and Chapter 8.04 (Nuisance Abatement), and may seek the imposition of costs and civil penalties. Nothing in this provision is intended to prevent alternative enforcement mechanisms.
37. If the Paradise Municipal Code Chapter 1.09 process is used, the penalties set forth in Section 1.09.190 are increased because the health and safety hazards to the public shall be greater than in the general code enforcement context. The increased penalty is a **fine of one thousand dollars (\$1,000.00)** for the violation and such violations **shall also be a misdemeanor.**

Failure to uphold and maintain compliance with the conditions of this permit may result in the permit being administratively revoked by the Town of Paradise (PMC Section 17.32.600)

If you wish to appeal the decision of the Planning Commission, you must do so within seven (7) days of the date of the Planning Commission's decision by filing your written appeal together with the appeal fee deposit of \$117.38 to the Development Services Department. If no appeal is filed within the time period, your temporary use permit will be deemed approved.

DATE APPROVED BY THE PLANNING COMMISSION: _____

TEMPORARY USE PERMIT EFFECTIVE DATE: _____

Susan Hartman
Planning Director

j:\cdd\planning\letter\PL19-00383 Anderson Temp Use



**Town of Paradise
Council Agenda Summary
Date: May 12, 2020**

Agenda Item: 5(b)

Originated by: Colette Curtis, Assistant to the Town Manager

Reviewed by: Lauren Gill, Town Manager

Subject: **Public Hearing for a Substantial Amendment to the 2019-20 Annual Plan for the Community Development Block Grant.**

Council Action Requested:

1. Conduct a public hearing to solicit comments regarding a proposed Substantial Amendment to the 2019-20 Annual Plan for the Community Development Block Grant.

Background:

The Town of Paradise has been a U.S. Department of Housing and Development (HUD) entitlement city since 1994. HUD awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

After the Camp Fire, the Town was not able to spend the allocated funds as quickly as the Town has in the past. In addition, loans that the Town made to First Time Home Buyers and Owner-Occupied Rehab program recipients were paid back to the Town, creating program income we can loan out again.

The Town has also received an allocation of funding from HUD specifically for COVID 19 response in the amount of \$99,852.

Discussion:

In light of the current funding situation in the Business and Housing Department, staff has proposed making a Substantial Amendment to the 2019-20 Annual Plan. An amendment to the Annual Plan is considered "substantial" when the amendment is more than 25% of the current year's funding allocation. The Town of Paradise proposes to include \$99,852 economic development activities in the form of small grants and loans to businesses to assist with COVID-19 related needs, as well as reallocate \$520,000 housing assistance funds to Multifamily Rental Housing Rehabilitation/Reconstruction.

Public Participation Process:

- **The Draft Substantial Amendment** will be available to the public on May 12th, 2020. The draft will be available on the Town's website (www.townofparadise.com); and Town of Paradise Town Hall. The public comment period is from May 12th, 2020 – June 9th, 2020. Written comments should be addressed to Colette Curtis, 5555 Skyway, Paradise, CA 95969.
- **Town Council on the final Substantial Amendment:** Tuesday, June 9th, 2020, at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers at 5555 Skyway, Paradise, California. The Council will consider approving the submission of the proposed Substantial Amendment and receive additional public comment at this time.

Fiscal Impact Analysis:

The impact of this agenda item will be to reallocate \$520,000 from Housing Assistance to Multifamily Rental Housing Rehabilitation Construction. It will also allow the Town to utilize an additional allocation of \$99,852 specifically for COVID 19 response.



**Town of Paradise
Council Agenda Summary
Date: May 12, 2020**

Agenda Item: 6(b)

Originated by: Dina Volenski, Town Clerk
Reviewed by: Lauren Gill, Town Manager
Subject: Upcoming vacancies on the Planning Commission

Council Action Requested: Consider the following actions relating to recruitment for three vacancies on the Paradise Planning Commission:

1. Approve the Notice of Vacancies created by the expiring terms of Planning Commissioners James Clarkson and Stephanie Neumann and the resignation of Shannon Costa, approve the Planning Commissioner application and authorize staff to advertise the existing Planning Commissioner vacancies, which will include a legal notice, posting on the Town's website, Facebook page and a media release.

Below is the suggested timeline for appointment of Planning Commissioners.

- a. Set an application deadline of May 26, 2020 at 5:00 p.m. for the three Planning Commissioner vacancies:
- b. Designate two Town Council Members to serve as the only members to serve on an interview panel for the Planning Commission interview process.
- c. Direct staff to assist the interview panel by providing suggested questions and a scoring matrix for candidates and coordinating interviews on May 28, 2020.
- d. Schedule appointment to the vacancies for the June 9, 2020, regular meeting with appointment to become effective immediately.

Background: On April 22, 2020, Shannon Costa submitted her resignation on the Paradise Planning Commission with her term expiring on June 30, 2023. Shannon Costa was appointed by the Council on May 14, 2019 to replace Ray Groom who resigned after leaving the area due to the Camp Fire.

Additionally, two vacancies will occur on the Paradise Planning Commission on June 30, 2020 as a result of the expiration of the terms of office of Commissioners James Clarkson and Stephanie Neumann. Commissioner Clarkson was appointed June 5, 2012 and was re-appointed on August 16, 2016 and has served two full four-year terms as a Commissioner. Commissioner Neumann was appointed February 12, 2013 to complete the term of office after Greg Bolin was elected to the Town Council. Ms. Neumann was then reappointed on August 16, 2016 to complete a full four-year term

as a Commissioner. With one resignation, two terms expiring and the two Commissioners having served almost two full four-year terms of office, it is prudent that the Council ask all interested citizens to go through the process, complete applications and be interviewed for the Planning Commissioner positions.

The Paradise Planning Commission consists of a five-member board that was established by ordinance (Paradise Municipal Code Sections 2.12.030 through 2.12.039) to serve as an advisory board to the Paradise Town Council. The Commission meets once a month on the third Tuesday of the month at 6:00 p.m.

The Town Council generally appoints citizens to vacancies of boards and commission by authorizing recruitment by application and scheduling appointments at a regular meeting. The Town Council has also utilized an interview process where two Council Members serve as an interview panel and make recommendations for appointment to the Council.

Conclusion: It is necessary for the Town Council to appoint three Planning Commissioners since there has been one resignation and the term for two positions expire June 30, 2020.

FISCAL IMPACT: The cost of a legal notice is approximately \$100.

From: [Shannon Costa](#)
To: [Volenski, Dina](#); [Hartman, Susan](#); [Smith, Ursula](#)
Subject: Commission Resignation
Date: Wednesday, April 22, 2020 12:42:31 PM

Good morning,

It is with great sadness that I must submit my resignation as Chair and Commissioner of the Town of Paradise Planning Commission. As you may or may not know, I've recently accepted a position with the Butte Local Agency Formation Commission (LAFCo) which creates a potential for conflict of interest. This position does, however, allow me to participate in the Town's recovery in another capacity, which I look forward to.

Please know that while the commissioner position is oftentimes frustrating, I am very thankful for the opportunity to have served my community in this way. I am in awe of the tireless hours Town staff has dedicated to the future of our community and we are fortunate to have you!

I look forward to working with you in the future.

Best,

Shannon Costa

TOWN OF PARADISE COMMITTEE/COMMISSION APPLICATION

Please be advised that application information will become a public record and will be posted on the Town's website as part of the agenda packet (personal information redacted).

Appointments will be made by the Paradise Town Council at the June 9, 2020, Regular Town Council Meeting (6:00 p.m.) Please plan to be present to answer any questions of the Town Council. Applicants shall be full-time residents and registered voters in the Town of Paradise per Resolution No. 81-40. The successful applicant will be required to file an annual financial disclosure - a Statement of Economic Interest Form 700, a public document filed with the California Fair Political Practices Commission; and, complete an ethics training every two years. Information on the financial disclosure and ethics training may be viewed at the following website: www.fppc.ca.gov. Applications must bear an original signature and will become a public record.

Position applying for: Planning Commissioner

☐ 1 Vacant term that expires June 30, 2023

☐ 2 Vacant terms that expire June 30, 2024

Application Deadline: May 26, 2020 at 5:00 pm. Submit to the Town Clerk Dept., 5555 Skyway, Paradise or email to dvolenski@townofparadise.com. Interviews will take place on Thursday, May 28, 2020. Times to be determined.

Date: _____

Applicant Name _____
Address _____

Contact Information Telephone: _____
Fax: _____
Email: _____

Education: _____

Biographical Sketch (what you would like the Council and public to know about you and your ability to serve in this position):

Qualifications or past experience:

Comments: _____

SIGNATURE: _____

Please return application to:

Dina Volenski, CMC, Paradise Town Clerk
5555 Skyway, Paradise, CA 95969 M-Th: 8-5 pm
Telephone: 872-6291 Extension 102
dvolenski@townofparadise.com

**TOWN OF PARADISE
NOTICE OF PLANNING COMMISSION VACANCY**

NOTICE IS HEREBY GIVEN by the Paradise Town Council of three vacant positions on the Paradise Planning Commission, one term ending June 30, 2023 and two terms ending June 30, 2024. Any registered voter of the Town of Paradise is eligible to apply and may obtain an application at the Town Hall located at 5555 Skyway, Paradise, California, M-Th from 8:00 am - 5:00 pm or from the Town's internet website at www.townofparadise.com. The Town Clerk must receive the application by 5 pm on May 26, 2020. Interviews will be on May 28, 2020 with appointment to the Commission scheduled for the June 9, 2020 Regular Council Meeting. The successful applicants will be required to disclose certain financial interests within the Town of Paradise and file a California Form 700, Statement of Economic Interest.

The Planning Commission is established by ordinance to serve as an advisory board to the Paradise Town Council and holds one regular meeting on the third Tuesday of each month at 6:00 p.m. at Town Hall located at 5555 Skyway. See Paradise Municipal Code Sections 2.12.030 through 2.12.039 available on the Town's internet website at www.townofparadise.com or at Town Hall. For further information call the Town Clerk's Department at 872-6291 Extension 102.

DINA VOLENSKI, CMC, Town Clerk



TOWN OF PARADISE
Council Agenda Summary
Date: May 12, 2020

AGENDA NO. 6(c)

ORIGINATED BY: Dina Volenski, Town Clerk
REVIEWED BY: Lauren Gill, Town Manager
SUBJECT: 2020 General Municipal Election

COUNCIL ACTION REQUESTED:

Consider adopting the following resolutions relating to the consolidation of the November 3, 2020 General Municipal Election, the regulations and costs for Candidate statements and direct the Town Clerk to transmit certified copies to the Butte County election department staff:

1. Adopt Resolution No. 20-___, A Resolution Calling and Giving Notice for the Holding of a General Municipal Election for the Election of Three Council Members
2. Adopt Resolution No. 20-___, A Resolution Requesting the Butte County Board of Supervisors to Consolidate a General Municipal Election.
3. Adopt Resolution No. 20-___, A Resolution Adopting Regulations for Candidate Statements.

DISCUSSION:

Pursuant to the provisions of Paradise Municipal Code Section 2.44.010, the Town of Paradise General Municipal Election is to be held in Paradise in consolidation with the General Statewide Election that is conducted by the Butte County Elections Department. Town elections are conducted pursuant to the provisions of the California Elections Code.

The next general election is scheduled for November 3, 2020. The Town Council needs to call and give notice for the holding of a general municipal election and request the Board of Supervisors to approve consolidation of the Town's election in order to elect three (3) Council Members for full four-year terms ending November, 2024.

A candidate may file a Candidate Statement of Qualifications to be printed in the sample ballot, not to exceed 200 words. A local agency may estimate the total cost of printing of the statement and require each candidate filing a statement to pay in advance their estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. The Town Council requires a \$450 deposit from each candidate who desires to have a statement of qualifications to appear in the sample ballot. The Butte County Elections Department will bill the Town the actual costs for the statement and the candidates are refunded or billed accordingly.

FINANCIAL IMPACT: An estimate of \$25,000 is being included in the 2020/21 budget based on the costs of prior elections.

**TOWN OF PARADISE
RESOLUTION NO. 20-_____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE CALLING
& GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO
BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN
OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE
OF CALIFORNIA RELATING TO GENERAL LAW CITIES FOR THE ELECTION OF
THREE TOWN COUNCIL MEMBERS**

WHEREAS, under the provisions of the laws relating to General Law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 3, 2020, for the election of three (3) Town Council Members to four-year terms of office ending December, 2024; and,

NOW, THEREFORE, be it resolved by the Town Council of the Town of Paradise, California, as follows:

SECTION 1: That, pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of Paradise, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of electing three (3) members of the Town Council for the full term of four (4) years ending in December, 2024.

SECTION 2: That the ballots to be used at the election shall be in the form and content as required by law.

SECTION 3: That the Town Clerk and County Clerk are authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4: That in the event two (2) or more persons receive an equal and the highest number of votes necessary to be elected, the Town Clerk shall summon the candidates who have received the tie votes to appear at her office at a time to be designated by her and shall at that time and place determine the tie by lot. The recommended procedure for determining by lot a tie is attached hereto and marked Exhibit "B".

SECTION 5: In accordance with Elections Code section 4005, there shall be ballot drop off locations and at least two vote centers within the Town's jurisdiction, that shall be available to voters.

SECTION 6: That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**Town of Paradise
Resolution No. 20-____
Calling for General Election**

SECTION 7: That notice of the time and place of holding the election is given and the Town Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8: That Town Clerk shall certify the Town Council passage and adoption of this Resolution for entry into the book of original Resolutions.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 12th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Greg Bolin, Mayor

ATTEST:

DINA VOLENSKI, CMC, Town Clerk

APPROVED AS TO FORM:

DWIGHT L. MOORE, Town Attorney

EXHIBIT "B"
RESOLUTION NO. 20-____

**RECOMMENDED PROCEDURE FOR DETERMINING BY LOT A
TIE AMONG CANDIDATES AT THE NOVEMBER 3, 2020, ELECTION
PURSUANT TO ELECTIONS CODE SECTION 15651**

The Town Clerk or her designees shall type the name of each candidate who had tied for office on a separate, but identical, piece of paper which shall be folded and deposited into a container and mixed so that one would not know which candidate's name appeared on which piece of paper. The Town Clerk or her designees shall draw from the container as many pieces of paper as there are seats on the Council to be filled by the candidates who have tied. The name(s) appearing upon the piece(s) of paper drawn shall be the name(s) of the person(s) who shall be deemed to be elected.

**TOWN OF PARADISE
RESOLUTION NO. 20-__**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE REQUESTING
THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE TO CONSOLIDATE A
GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, WITH THE
STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE FOR THE ELECTION OF
THREE (3) TOWN COUNCIL MEMBERS.**

WHEREAS, the Town Council of the Town of Paradise called a General Municipal Election to be held on November 3, 2020, for the purpose of the election of three (3) Members of the Town Council for four-year terms of office ending December, 2024; and;

WHEREAS, it is desirable that the General Municipal Election be consolidated with the statewide general election to be held on the same date; that within the Town, the precincts, polling places and election officials of the two elections be the same; that the Election Department of the County of Butte canvass the returns of the General Municipal Election; and, that the election be held in all respects as if there were only one election.

NOW, THEREFORE, the Town Council of the Town of Paradise does resolve, declare, determine and order as follows:

SECTION 1. That, pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Butte is hereby requested to consent and agree to the consolidation of a General Municipal Election with the statewide General Election on Tuesday, November 3, 2020 for the purpose of electing three (3) members of the Town Council for the full term of four (4) years, ending December, 2024.

SECTION 2. That the Butte County Board of Supervisors is requested to issue instructions to the Butte County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 3. That the Butte County Election Department is authorized to canvass the returns of the General Municipal Election and that the elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. That the Town of Paradise recognizes that additional costs will be incurred by Butte County by reason of this consolidation and agrees to reimburse the County for such additional costs and to pay the costs associated with the current methodology used by the Butte County Election Department for cost recovery for Consolidated Elections.

SECTION 5. That the Town Clerk is hereby directed to file a certified copy of this resolution with the Butte County Board of Supervisors and the Butte County Election Department of the County of Butte.

SECTION 6. That the Town Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 12th day of May, 2020, by the following vote:

//

**TOWN OF PARADISE
RESOLUTION NO. 20-__**

AYES:

NOES:

ABSENT:

NOT VOTING:

Greg Bolin, Mayor

Attest:

Dina Volenski, CMC, Town Clerk

Approved as to Form:

Dwight L. Moore, Town Attorney

**TOWN OF PARADISE
RESOLUTION NO. 20-__**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE,
CALIFORNIA ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE
PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A
GENERAL OR SPECIAL MUNICIPAL ELECTION**

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement;

NOW, THEREFORE, be it resolved by the Town Council of the Town of Paradise, California, as follows:

SECTION 1: That pursuant to Section 13307(a) of the Elections Code of the State of California, each candidate for elective office to be voted for at any General or Special Election to be held in the Town of Paradise, may prepare a candidate's statement on an appropriate form provided by the Town Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than two hundred (200) words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the Town Clerk at the time candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2: No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 3: An agreement between the candidate and the Town of Paradise, a copy of which is attached hereto marked Exhibit "A", shall be executed which requires each candidate to pay a four hundred fifty dollars (\$450) deposit to be applied toward the candidate's pro rata share of charges for printing and handling of the candidates' statements. Any deficit shall be paid to the Town by the candidate within thirty (30) days after presentation of a bill from the Town and the Town will refund any surplus deposited within thirty (30) days after the Town's determination of said surplus.

SECTION 4: That the Town Clerk shall provide each candidate or the candidate's representative a copy of this Resolution with attached Exhibit "A" at the time nomination petitions are issued.

Town of Paradise
RESOLUTION NO. 20-____
Candidate Statement Regulations

SECTION 5: That the Town Clerk is authorized to execute the agreement at the time the candidate's statement is filed.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 12th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Greg Bolin, Mayor

ATTEST:

DINA VOLENSKI, CMC, Town Clerk

APPROVED AS TO FORM:

DWIGHT L. MOORE, Town Attorney

EXHIBIT "A"

AGREEMENT

THIS AGREEMENT is made and entered into by and among the candidate whose name is signed below and the Town of Paradise, a municipal corporation.

1. The undersigned candidate hereby agrees to pay to the Town of Paradise his or her pro rata share of the costs incurred by the Town of Paradise in the printing, handling, insertion and mailing of candidates' statements to voters.

2. It is understood and agreed that each candidate's statement shall not exceed two hundred (200) words in length. It is understood and agreed that each candidate's pro rata share of said costs shall be determined by the Paradise Town Clerk by totaling all such costs and dividing said costs by the number of candidates' statements printed without regard to the actual length of each such statement.

3. Each candidate shall pay to the Town of Paradise a four hundred fifty dollars (\$450) deposit to be applied toward the candidate's share of such charges. The deposit shall be paid and this Agreement shall be executed at the time of filing the candidate's statement. If the deposit is not made or this Agreement not executed, the Town Clerk shall not accept the candidate's statement.

4. The candidate agrees to pay any deficit relating to such charges within thirty (30) days after presentation of a bill from the Town of Paradise for such charges. The Town shall refund any surplus of the amount within thirty (30) days after the Town's determination of such surplus.

5. In the event of litigation to enforce the terms of this Agreement, the prevailing party shall be entitled to recover from the other its reasonable attorneys' fees.

DATED:

TOWN OF PARADISE

(Signature of Candidate) BY: _____
Dina Volenski, Town Clerk

(Printed Name of Candidate)



**Town of Paradise
Council Agenda Summary
Date: May 12, 2020**

Agenda Item: 6(d)

Originated by: Marc Mattox, Public Works Director, Susan Hartman, Community Development Director, and Greg Eaton, Recovery Advisor

Reviewed by: Lauren Gill, Town Manager

Subject: Hazard Tree Identification by ISA Board Certified Master Arborist

Council Action Requested:

1. Select a vendor for Hazard Tree Identification by Registered Professional ISA Board Certified Master Arborist and Authorize the Town Manager, Administrative Services Director and Town Attorney to negotiate an agreement with the selected vendor; and
2. Authorize the Town Manager to execute the appropriate documents relating to such services.
3. Do not award the Registered Professional Forester RFP.

Alternatives:

Decline to authorize staff to enter an agreement with the selected vendor, and provide alternate direction to staff.

Background:

Town Ordinance No. 595 establishes the Mandatory Government Hazard Tree Removal Program, which requires that any tree that was fire damaged in the Camp Fire and that is in imminent danger of falling onto an eligible road or parcel is a hazardous tree that must be removed to eliminate the imminent threat to the public at large. This ordinance establishes a hazard tree removal program that is mandatory and sets forth the manner in which hazardous trees will be identified and removed.

To participate in the Private Hazard Tree Removal Program, a property owner shall submit either of (1) an **Inspection Access Form** or (2) an Arborist's/Forester's Certification for his or her property. Following the property owner's identification and removal of Hazard Trees and submittal of an Inspection Access Form, the Private Hazard Tree Removal Program shall require the enforcement officer to make a visual confirmation of the removal of the Hazard Trees on the subject property. This visual inspection of compliance with the Private Hazard Tree Removal Program shall be sufficient for meeting the requirements of this Section. Whether the Hazard Tree removal is adequate shall be in the sole discretion of the enforcement officer.

The term "Arborist" shall be defined as an ISA Certified Arborist with a Tree Risk Assessment Qualification (TRAQ).

Discussion:

The Town of Paradise intends to engage a firm with experience in the entire scope of Hazard Tree Identification by ISA Board Certified Master Arborist. The selected vendor will inspect properties for the compliance of Town Ordinance No. 595, where the homeowner submitted an Inspection Access Form. The Town issued a request for proposals (RFP) for Hazard Tree Identification by ISA Board Certified Master Arborist via the Public Purchase, which is typical for most Public Works Contracts. The Town received five proposals for service. (The proposals are available for review in the Town Clerk's office).

A panel was formed to evaluate the five proposals. The panel was made up of the Public Works Director, the Community Development Director, and the Recovery Director.

The selection analysis will be provided in the staff report at the Town Council meeting on May 12, 2020.

Fiscal Analysis:

The Town will be charged an hourly rate for the arborist services which will be reimbursable through the public assistance program.



**Town of Paradise
Council Agenda Summary
Date: May 12, 2020**

Agenda Item:6(e)

Originated by: Marc Mattox, Public Works Director / Town Engineer

Reviewed by: Lauren Gill, Town Manager

Subject: **Authorizing Resolution for a grant application to the State Water Resources Control Board**

Council Action Requested:

1. Approve Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise authorizing an application to the Clean Water State Revolving Fund for a \$2,000,000 AB74 2017/2018 Wildfire Recovery Planning Grant; and,
2. Contingent upon Council approval of Attachment A and subject grant application award, authorize the Town Manager to execute a Professional Services Agreement with HDR Engineering for the scope of work associated with the grant.

Background:

Since its incorporation in 1979, the Town of Paradise has sought a formal wastewater treatment solution for various zones and boundaries, all of which primarily focused on commercial and densely populated residential areas – the portions of Paradise most vulnerable to groundwater degradation and economic stagnation due to sewer limitations.

Professional studies from industry experts in every decade since 1980 have been completed and all essentially come to the same conclusion: The Town is running out of time. It is inevitable that the continual degradation of groundwater quality and exceedance of soil capacities to absorb and treat high volumes of wastewater will require action on behalf of the Town and its constituents.

On April 12, 2016, Town Council awarded a contract to Bennett Engineering to analyze the Town's wastewater challenge and to draft an Alternatives Analysis and Feasibility Report. The report analyzed several options as detailed below, including a no project option and recommend the most feasible solution and next steps. The Town was fortunate to have been awarded a grant from the State Water Resources Control Board, funded through Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, in order to pay for the feasibility report.

On July 11, 2017, the Sewer Feasibility Study was formally accepted by the Town Council.

On May 14, 2019, the Town Council approved the localized treatment option, in lieu of a regional option in cooperation with the City of Chico. This critical decision allowed staff to pursue grant funds from state and federal agencies.

On September 10, 2019, the Town Council concurred with the staff's recommendation to proceed with releasing a Request for Proposal for preliminary engineering and environmental services.

Through the efforts of staff and members of Town leadership, grant funding has awarded to the Town for the sewer project. The funds include \$800,000 from the State of California, and \$172,000 from the US Department of Agriculture (USDA). The purpose of the grant funding is to assist the Town in achieving environmental clearance for the project. Town staff has been informed that the state water quality control board may be able to provide additional funding if needed.

On January 14, 2020, Paradise Town Council took the following action relating to the Paradise Sewer Project:

1. Recommended HDR Engineering to perform preliminary engineering and environmental services and,
2. Approved a Professional Services Agreement for the Phase 1 Scope of Work with HDR Engineering and authorize the Town Manager to execute.
3. Approved a Professional Services Agreement for the Phase 2 Scope of Work with HDR Engineering and authorize the Town Manager to execute, contingent on the receipt of additional state funds.

The awarded financial impact of this effort is shown below:

Phase 1 - \$401,490

Phase 2 - \$850,954

Total - \$1,252,444

Funding Secured - \$972,000

Funding Needed - \$352,444

Discussion:

Town staff has issued the Notice to Proceed for HDR Engineering to begin work on the preliminary engineering and environmental review services work for the local treatment plant option. During the course of this work, staff was contacted by the Central Valley Regional Water Quality Control Board and encouraged to re-examine the regional sewer project including a direct tie-in with the City of Chico in the post-Camp Fire context. In addition to fire-related changes to the project, there may be additional financial considerations for design and construction phases of the regional option. A supplemental review of the regional option could be included in the planned Phase 1 agreement with HDR, however, increases the amount of funding the Town already needed to complete the original scope of work.

Since Assembly Bill 74 approved by the Governor on June 27, 2019 included an appropriation of \$2,000,000 in funding to cover planning costs for recovery from the 2017 and 2018 wildfires and any future wildfires. With that funding, the State Water Resources Control Board is encouraging the Town of Paradise to submit an application for consideration to supplement the Town's Preliminary Engineering and Environmental Impact Report efforts for the Paradise Sewer Project. This grant would fulfill existing funding needs in addition to supporting an additional review of the regional option. A draft copy of the required Plan of Study is included in this Agenda Summary as Attachment A.

Fiscal Impact Analysis:

There is no impact to the General Fund. If awarded, this grant is 100% funded with no matching funds required. A copy of the project budget is included with the Plan of Study.

**TOWN OF PARADISE
RESOLUTION NO. 20-__**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE 2017/2018
WILDFIRE RECOVERY PLANNING GRANT APPROPRIATED BY ASSEMBLY BILL 74**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and,

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and,

WHEREAS, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application(s) by the applicant's governing board before submission of said application(s) to the State; and,

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the development of the proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE AS FOLLOWS:

Section 1. The Town of Paradise Town Council approves the filing of an application for the Paradise Sewer Project Preliminary Engineering and Environmental Review.

Section 2. The Town of Paradise Town Council certifies that the Town understands the assurances and certification in the application.

Section 3. The Town of Paradise Town Council certifies that the Town or title holder will have sufficient funds to develop the Proposal or will secure the resources to do so.

Section 4. The Town of Paradise Town Council certifies that the Proposal will comply with any applicable laws and regulations.

Section 5. The Town of Paradise Town Council appoints the Town of Paradise Town Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 12th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

By: _____
Greg Bolin, Mayor

ATTEST:

APPROVED AS TO FORM:

Dina Volenski, CMC, Town Clerk

Dwight L. Moore, Town Attorney



Plan of Study

Paradise Sewer Project Preliminary Engineering & Environmental Review

Background

In 2017, utilizing financial support of a Small Communities Wastewater Planning Grant, Paradise Town Council accepted work for the Town of Paradise Sewer Project: Alternatives Analysis and Feasibility Report. This report represented the most comprehensive analysis of the need, costs and benefits of a wastewater solution. The report recommended a regional solution further explore connecting to the City of Chico's existing Water Pollution Control Plant. However, Paradise Town Council provided direction to continue carrying both a local treatment plant (with or without beneficial reuse) and the regional option forward in the project development process. A copy of the Report can be found here: <https://paradisesewer.com/technical-documents/>.

On November 8, 2018, about 90-95% of the Town of Paradise was completely destroyed in less than 24 hours due to the Camp Fire. This event include 85 civilian casualties and was the world's costliest disaster in 2018.

In the post-Camp Fire context, a formal wastewater solution has never been more critical. The Town's recovery depends on it. At this time where homeowners and businesses alike are making their decisions to rebuild or build in Paradise, the continued requirement to construct and maintain septic systems and leach lines on landlocked parcels with poor soils and groundwater is paralyzing. The Town of Paradise, and Butte County regionally, needs affordable multi-family housing in addition to vibrant commercial activity – both of which are significantly restricted by the lack of advanced wastewater collection and treatment. The Town's Long Term Recovery Plan adopted in 2019 included a comprehensive public engagement process. This Plan identifies the Sewer Project as vital to our successful recovery. A copy of the Plan can be found here: https://issuu.com/makeitparadise/docs/2350rptbook_final190624

The Town of Paradise is seeking to advance a project through the next phase: Environmental Review. The Town of Paradise has secured leveraging funding through the State of California and United States Department of Agriculture. This funding request would enable the Town to effectively study and implement a CEQA/NEPA review of the Paradise Sewer Project.



The following is the Scope of Work for Phases 1 and 2 of the Paradise Sewer Project, to be completed by HDR Engineering, Inc. under contract to the Town of Paradise.

Phase 1 – Project Type and Environmental Constraints Analysis

The purpose of the Phase 1 work is to assess and compare a regional connection to the City of Chico Water Pollution Control Plant (WPCP) (the “regional alternative”) to the option for the Town of Paradise to construct and operate its own local wastewater treatment plant (WWTP) (the “local alternative”). For the local alternative, the assessment also includes determining the preferred WWTP site location or narrowing the list of potential locations. Given that the land for potential treatment site locations along the four opportunity corridors identified by the Town is currently privately held, an initial screening of landowners’ willingness to sell the needed acreage to support the treatment facility is recommended during the early stages of the work. HDR will advance the project by synthesizing the wastewater treatment and management design criteria recommended from prior work. Projected average dry weather flow at buildout will be used to determine ultimate sizing and minimum acreage needed for the wastewater treatment facilities including wet weather equalization, wastewater treatment, treated effluent storage and land application end-use, including biosolids disposal or reuse. The estimated acreages can then be used for identifying parcels of land currently for sale that can potentially be developed for the Town’s intended use, or to approach landowners that may be interested in selling acreage.

Task 1.1 Phase 1 Project Management

The Town Engineer will serve as the contract manager and direct liaison between the HDR team and the Town. HDR will coordinate and be responsible for scheduling meetings, preparing and distributing minutes, tracking action items for the Town and consultant subcontractors, and preparing all submittals and deliverables to the Town.

HDR will develop a baseline schedule of work; develop monthly progress reports to support invoicing; schedule and coordinate HDR team staff and resources to execute the work; and coordinate the quality assurance/quality control (QA/QC) effort.

QA/QC reviews of project documents and analyses will be undertaken prior to their submittal to the Town. QA/QC will be implemented in accordance with HDR’s Quality Management System.

HDR will develop a Health and Safety (H&S) Plan as needed to perform field work. The H&S Plan will be updated as needed for changing field conditions.

HDR will prepare and maintain a Project Decision Log (PDL). The PDL will record Project decisions made by the Town in the presence of HDR (or communicated in writing by the Town) and will be updated monthly and submitted as part of the project status report.

HDR will conduct a Kickoff Meeting with Town staff. The Kickoff Meeting (up to two hours in duration) will be used to introduce the team members (up to five HDR staff), verify the goals and objectives of the work, review the anticipated schedule, discuss data requirements, and plan for communication.

Deliverables:

- Monthly invoices and project status reports in PDF format and transmitted by email
- Project schedule
- PDL
- H&S Plan (if needed)
- Initial data request
- Kickoff Meeting agenda, materials, minutes



Assumptions:

- Unless otherwise specified herein, all deliverables will be provided in electronic format.
- Technical Memoranda (TMs) will not exceed 15 pages.
- The Town will provide the data that HDR requests, in electronic format, as available. Scope and level of effort estimate may need to be adjusted based on data availability.
- The Kickoff Meeting will be scheduled to allow sufficient time prior to the meeting for the preparation of the initial data request to the Town, so discussions of data availability to HDR can be conducted during the meeting as well.

Task 1.2. Develop Alternative WWTP Site Locations

For the local alternative, HDR will perform an alternatives analysis to assist the Town with selecting three potential WWTP sites that could be further assessed under the Phase 2 scope of work. In parallel, HDR will work with the Town to create up to three wastewater management system operating scenarios that can be used to support site selection and define a clear path forward with phased wastewater infrastructure installation that will ultimately be developed for maximum water reuse.

Identifying candidate sites for the alternatives analysis will be performed in a stepwise manner as follows:

- Step 1: HDR will review background information and document its understanding of the current project definition and confirm this understanding with the Town.
- Step 2: HDR will check the original wastewater collection and treatment plant design criteria, including projected flows, to confirm they are adequate based on the current project definition and establish effluent quality and flows and loads design criteria.
- Step 3: HDR will develop conceptual WWTP designs, including equalization and storage (conceptual level of design) based on three defined wastewater management scenarios (see Step 4), as well as determine the acres potentially needed for treatment plant effluent and stabilized biosolids management. The results of this work will be a summary of the acreage needed for wastewater equalization, treatment and storage; the acreage needed for treatment plant effluent management; and the acreage needed for biosolids management.
- Step 4: HDR will compile potential WWTP siting options and perform an alternatives analysis.
- Step 5: HDR will prepare the Project Narrative to support preparation of the environmental documents. The Project Narrative will include up to three of the top-ranked WWTP sites and potential operating scenarios.

Task 1.2.1 – Review Background Information and Update Project Definition

HDR will review available background information and prepare a summary of its understanding of the project. A data request will be prepared and issued to the Town for its action (if needed). As part of the background information review, Bennett Engineering will support HDR in developing information on potential WWTP sites and provide information collected during the previous sewer study.

HDR will issue a TM defining its understanding of the current project and then meet (up to one hour) with the Town to discuss and update the project definition as needed.

Deliverables:

- Data Request
- TM1 – Project Definition (draft)



Assumptions:

- The Town will provide all requested information (as available) in a timely manner.
- Meeting to discuss project definition will be up to one hour in duration.
- The Town will approve project definition within three (3) business days of receipt for use in performing HDR's scope of work.

Task 1.2.2 – Establish WWTP Design Criteria (Flows, Loads, Effluent Quality)

A brief TM will be developed that will:

- Summarize the design criteria from prior work, including projected flows and loads.
- Summarize the anticipated flows and low-pressure collection system and how it will function for the Town, prepared by Bennett Engineering.
- Verify the design criteria are adequate based on current project definition and wastewater engineering practice.
- Establish WWTP effluent quality requirements assuming a goal of maximum water reuse.
- Provide a summary of applicable current water quality regulations.

The TM will be issued to the Town in draft format. The TM will then be finalized incorporating Town comments as part of Task 1.2.5.

Deliverables:

- TM2 – Project Flows and Loads (draft)

Assumptions:

- The design criteria cited for the options analysis presented in the *Town of Paradise Sewer Project Alternatives Analysis and Feasibility Report* (Sewer Project Report; June 21, 2017) will be used as the basis for preliminary sizing of facilities and determination of acreage needed for the wastewater treatment and management system. Facility sizing will use recommended average dry weather flow (ADWF) of 0.98 mgd with the assumption that flow equalization ponds will be employed to attenuate peak wet weather flows (PWWF) of up to 1.86 mgd as recommended in the Sewer Project Report.
- Projected ADWF will be used to establish loading to treatment plant for purpose of preliminary facility sizing. Projected ADWF is based on sewer service area shown on Figure 4.1, "Town of Paradise Proposed Sewer Service Area," of Sewer Project Report.
- Effluent quality will be that required to meet Title 22 of the California Code of Regulations for water reuse.

Task 1.2.3 – Develop WWTP Footprint/Needed Operational Acreage

HDR will develop up to three (3) concept level WWTP designs, including equalization and storage, as well as determine the acres potentially needed for treatment plant effluent and stabilized biosolids management. The results of this work will be a summary of the acreage needed for wastewater equalization, treatment and storage; the acreage needed for treatment plant effluent management; and the acreage needed for biosolids management. The summary will be provided to the Town as a brief draft TM.



Deliverables:

- TM3 – Summary of Acreage Needs for Wastewater Management (draft)

Assumptions:

- Estimated acreage for the proposed WWTP will include that needed for equalization of raw influent/wet weather flow, as well as storage of treated effluent and biosolids.
- Operating/management scenarios will not consider surface water discharge.
- Biosolids will be required to be stabilized to meet Class B regulatory requirements (if Class A is not met).

Task 1.2.4 – Siting Alternatives Analysis

HDR will assess the land for sale in Paradise and surrounding areas for potential wastewater treatment facilities siting options, including equalization and storage, as well as sites for treated effluent and biosolids management. HDR will work with a realtor to identify parcels for sale that could meet the acreage requirements developed under Task 1.2.3. As part of the assessment, HDR will:

- Prepare a list of property characteristics needed/desired.
- Work with realtor to compile a list of potential properties.
- Perform cursory desktop screening of properties based on the CEQA Initial Checklist and property characteristics needed/desired.
- Prepare a TM summarizing the work.

HDR will then work with the Town to establish site evaluation criteria and perform an alternatives analysis of siting options based on the defined three potential operating scenarios and WWTP concept designs. As part of the alternatives analysis, HDR will:

- Establish draft evaluation criteria and issue to the Town in advance of workshop.
- Conduct workshop (Workshop No. 1) to present recommended evaluation criteria.
- Finalize TM establishing evaluation criteria (incorporating Town comments).
- Perform siting alternatives analysis, including constraints analysis.
- Prepare and issue draft Alternatives Analysis TM, ranking up to three potential sites.
- Conduct workshop (Workshop No. 2) to present alternatives analysis and recommended ranked sites.

Deliverables:

- TM4 – Siting Evaluation Criteria (draft and final)
- TM5 – Siting Alternatives Analysis (draft)
- Workshop agendas, materials, and minutes for Workshop No. 1 and Workshop No. 2

Assumptions:

- HDR will work with a local realtor to identify potential parcels for siting facilities. HDR will not conduct meetings or communicate with land owners. If a local realtor is not available, HDR will use available information from real estate listing web services.
- Tie-in of plant effluent or plant bypass to other nearby sewerage facilities will not be considered as part of the evaluation.



- Prior studies related to geotechnical and hydrogeology will be considered in performing the work; no additional studies associated with characterizing the sites is included.

Task 1.2.5 – Prepare Project Narrative with Top 3 Ranked Sites and Operating Scenarios

A Project Narrative will be prepared for use in preparing the environmental documents.

Deliverables:

- TM6 – Project Narrative (draft and final)

Assumptions

- Potential locations for the proposed WWTP for inclusion in the environmental documentation work will be limited to three (3) sites.
- Major factors for siting of WWTP will include proximity and availability of additional land for management of treated plant effluent and stabilized biosolids.

Task 1.3. Environmental Constraints Analysis

HDR will begin the environmental constraints analysis by reviewing available information provided by the Town staff and project team as well as other public sources on environmental resources and issues in the project area. HDR will complete a preliminary desktop review of each of the proposed WWTP locations, as discussed in Task 1.2, to define land uses and ownership, and to identify potential and known locations of sensitive wetlands, waters, plants, wildlife resources, and cultural and historic resources. As part of this desktop review, HDR will prepare a high-level assessment of both the CEQA and NEPA considerations to identify key resource impacts and issues for comparison by alternative.

HDR will follow the desktop review with a general field assessment to delineate vegetation communities using available aerial imagery in and adjacent to the proposed WWTP locations, and the suitability of those communities to support sensitive resources identified in the desktop review. Potential wetlands would also be identified during a field assessment.

HDR will not conduct protocol level surveys for wildlife and plants or aquatic resources in this phase. Because the CEQA/NEPA analysis and early agency coordination can be completed with desktop findings, the need for protocol-level surveys can be defined in coordination with early consultation efforts and deferred until the permitting phase.

For cultural resources analysis, HDR will identify a preliminary area of potential effect (APE) for each proposed WWTP location. In addition to the Town's historic atlas of the resources in the area, which may have been compromised in the 2018 fire, HDR will complete a historic records search from the Northwest Information Center to identify documented historic resources at the proposed WWTP locations. The intent of this records search is to identify any documented historic and cultural resources that might inform design, tribal and agency coordination, and the Phase 2 environmental review.

The data collected during the desktop analysis and supporting field assessments will be incorporated into a draft environmental constraints analysis report. The report will include a regulatory framework that lists the environmental permits and agency consultations necessary to develop the WWTP at each proposed location. If possible, environmental constraints will be documented geospatially.



Deliverables:

- Environmental Constraints Analysis TM (draft and final)
- Geospatial data depicting environmental constraints

Assumptions

- The biological field assessment and delineation will be conducted by two qualified biologists.
- It is assumed field verification of cultural resources is not needed for the environmental constraints analysis.
- A historic records search will be isolated to the selected sites plus a negotiated buffer for each alternative carried forward for detailed environmental review. Protocol level surveys for wildlife and plants or aquatic resources will not be conducted in this phase of work.

Task 1.4. Agency Coordination

In parallel with the Task 1.2 and 1.3 efforts, HDR will coordinate contact with a number of agencies. HDR will identify key topics for discussion with each agency and offer resolution options to make the most of these engagements. HDR will participate in meetings with these agencies to gain early input in resource analyses and to develop regulatory relationships that will carry through into Phase 2. As requested in the RFP, we have prepared a preliminary list of agencies we believe require meetings during Phase 1 and Phase 2, along with the recommended schedule for those meetings (see Table 1).

**Table 1
Probable Agency Meetings During Phase 1 and 2**

Agency*	Topics	Target Schedule
Central Valley Regional Water Quality Control Board	Probable regulatory requirements for: <ul style="list-style-type: none"> • Effluent recycling • Effluent land application • Biosolids land application 	At start of Phase 1 and again prior to final recommendation of WWTP site
US Department of Agriculture and Rural Development (USDA)	Confirm reporting requirements for their grant programs – Community Facilities (CF) and Water & Environmental Program (WEP). Discuss potential future grants and timing for applications for planning, design, and construction.	At start of Phase 1 and again at start of Phase 2
California Water Commission staff	Confirm reporting requirements for the Prop. 1 grant. Discuss potential future grants and timing for applications for planning, design, and construction.	At start of Phase 1 and again at start of Phase 2
State Water Resources Control Board, Division of Financial Assistance	Discuss SRF status and other available funding sources. Discuss Small Community Wastewater Funding. Discuss Water Recycling Funding Program. Prop 1. – Groundwater Sustainability Funding.	At start of Phase 1 and again at start of Phase 2
California Department of Housing and Community Development (HCD)	Community Development Block Grant (CDBG) Program. Discuss opportunity to apply and receive CDBG funding.	At start of Phase 1 and again at start of Phase 2



Agency*	Topics	Target Schedule
	Determine Notice of Financial Assistance (NOFA) timing and requirements for application.	
US Bureau of Reclamation	Discuss Agriculture Water-Use Efficiency Grants. Discuss WaterSMART Program.	At start of Phase 1 and again at start of Phase 2
State Historic Preservation Officer (SHPO)	Section 106 Consultation per the National Historic Preservation Act.	Phase 2 during environmental review
Tribes**	Per Assembly Bill 52, HDR will on the Town's behalf initiate tribal notification within 14 days of issuance of the NOP. Tribes have 30 days to respond with interest. HDR will initiate consultation at that point.	Phase 2, shortly after NOP
California State Lands Commission (CSLC)	If a State Lands Amendment is required for work crossing streams, CSLC would be a Responsible Agency.	Confirmed during Phase 1 Environmental Constraints Analysis; Initiated in Phase 2 NOP.

Notes:

*It is assumed that coordination or consultation with USACE (S404), Central Valley RWQCB (S401), and the wildlife agencies would not commence until after Phase 2 and is not included in this scope of work. However, if preliminary design identifies notable impacts that cannot be avoided, it might be advisable to initiate this coordination during Phase 2.

** The Town may have a list of interested Tribes. If not, HDR will coordinate on the Town's behalf with the Advisory Council on Historic Preservation (ACHP).

Deliverables:

- Agendas and minutes from each meeting.

Assumptions:

- As a basis of cost, this scope of work includes coordination with only those agencies shown in the table above.
- The HDR team will meet with each agency up to two times.
- With the exception of the SHPO and tribal meetings, HDR will have two engineers and up to two environmental scientists at each meeting, depending on the agency.
- The Town will lead consultation with SHPO and the Tribes. Up to two HDR team members will attend those meetings to support the Town and process.

Task 1.5. Collection System Analysis

The Town has indicated it wishes to move forward with a gravity sewer for its new collection system, not the septic tank effluent pump (STEP) as previously recommended for the core service area. The inclusion of a regional alternative also impacts the collection system.

This task will include a re-evaluation of a gravity sewer system with two main alternatives. Alternative A will focus the collection of sewer flow in the service area towards Skyway Rd. Alternative B will focus the collection of sewer flow in the service area towards Clark Rd. The majority of the collection system for the urban core of the Town will be same; however, the configuration of pump stations around Pearson Road will vary to accommodate the main



conveyance out of town towards a local wastewater treatment plant (WWTP) or regional pipeline to Chico. The following will be done:

- Review existing soil conditions based on previous geotechnical studies.
- Prepare a typical cross section(s) of sewer trench construction.
- Address the method of trench excavation and provide an assumption for the proportion of unconventional excavation. (i.e., blasting/hoe ram vs. a rock bucket on an excavator).
- Prepare plan layouts of Alternative A and Alternative B sewer systems.
- Prepare a life cycle cost comparison of Alternative A and B.
- Address whether a full gravity system favors any specific location(s) for a local WWTP.

Deliverables:

- TM7 - summarizing assumptions of comparison and results of life-cycle cost analysis, including drawings that provide sewer routing and pump station locations; two (2) video-conference meetings; one (1) in-person meeting in Sacramento

Task 1.6. Development of Regional Alternative

The regional alternative involves conveying wastewater from a combination of gravity and pump systems from the Town to the City of Chico's Water Pollution Control Plant (WPCP). Two regional alternatives will be analyzed—one that conveys raw wastewater from Paradise to the Chico WPCP for treatment, and one that treats the raw wastewater at a Paradise wastewater treatment plant, and then conveys treated effluent to blend in with Chico's treated effluent into Chico's outfall to the Sacramento River. While this second alternative seems unlikely to be cost effective, it is felt it needs to be analyzed for completeness of the evaluation.

Task 1.6.1: Analyze Regional Alternative #1 – Convey Raw Wastewater to Chico WPCP

This alternative will be analyzed by doing the following:

- **Conveyance System:** Describe the conveyance infrastructure involved, building on the work done in the 2017 Feasibility Report by Bennett Engineers. Estimate capital and annual O&M costs. Address how the pipeline will be able to handle very low initial flows vs. higher build-out flows.
- **Existing Chico WPCP Capacity:** Identify the current permitted capacity of the Chico WPCP, and current flows/loads. Based on that, identify capacity available for current Paradise flows. Summarize current NPDES discharge permit requirements. Identify current capital improvement needs at the WPCP. Summarize any known existing issues or challenges with meeting the NPDES permit.
- **Future Chico WPCP Capacity:** Identify future build-out capacity of the WPCP footprint, and how that relates to the City's anticipated growth (possibly from the City of Chico's general plan). Identify any specific issues with the effluent outfall to the Sacramento River.
- **Assess the WPCP's capacity to take on future Paradise flows:** Based on the results of the previous two items, assess the ability of the WPCP to accept the Town's flow. Consider both initial flows and build out flows.
- **Evaluate Costs:** Evaluate cost to connect to WPCP for current Paradise flow. This would consider an initial lump sum fee, or other arrangement to reimburse for capacity used at WPCP by the Town. Estimate future connection fees per connection. Estimate monthly fees on a per million gallon basis to be charged



to Paradise customers, including (a) conveyance cost and (b) treatment cost. Estimate 20-year life cycle costs.

- **Non-Economic Factors:** Describe non-economic factors related to this alternative, such as environmental issues along the pipeline route, permitting issues, etc.

Task 1.6.2: Regional Alternative #2 – Convey Treated Effluent to Chico WPCP Outfall

This alternative will be analyzed by doing the following:

- **Conveyance System:** In general, this will be similar to Regional Alternative #1. However, this alternative could be combined with a local solution to convey only the effluent flow that cannot be disposed by land application. Identify any differences (e.g., connection point to outfall, reduced odor potential). Estimate capital and annual O&M costs.
- **Evaluate Costs:** Estimate initial connection cost for using the existing outfall, for current Paradise flow. Estimate future connection fees per connection. Estimate monthly fees on a per million gallon basis to be charged to Paradise customers, including (a) conveyance cost and (b) use-of-outfall cost. Estimate 20-year life cycle costs.
- **Non-Economic Factors:** Describe non-economic factors related to this alternative, such as environmental issues along the pipeline route, permitting issues, etc. A key factor to be addressed will be how NPDES permit and effluent limits would be addressed, given a blended discharge to the Sacramento River.

Task 1.6.3: Identify Implementation Steps for Regional Alternative

If selected, a regional alternative will have certain unique implementation steps going into Phase 2 and beyond. In this task, HDR will identify those implementation steps, for action in Phase 2 and beyond.

Task 1.6.4: Additional Efforts for “Task 1.3 – Environmental Constraints Analysis”

The current Phase 1 scope contains “Task 1.3 – Environmental Constraints Analysis.” This effort contributes to the overall alternatives analysis, which in the current scope focuses only on the local alternative. The environmental constraints analysis considers the physical footprint of the proposed activities with the existing conditions and land uses so as to identify those “constraints” or issues that should be taken into consideration when developing the preliminary design of a project. Because the regional alternative brings a new physical footprint, a new constraints analysis of this area will be required. As such, the addition of the regional alternative requires development of a second constraints analysis, closely following the approach outlined in Task 1.3:

- Prepare preliminary desktop review of the proposed and alternative conveyance system (pipeline) and connection points, and related infrastructure and construction footprint
- Prepare high level comparison of CEQA and NEPA considerations
- Conduct general field assessment to delineate vegetation communities and sensitive resources
- Conduct historic records search from the Northwest Information Center of the entire project area (including route options between Paradise and Chico and a reasonable buffer) to identify documented historic resources
- Identify the preliminary area of potential affect (APE) to inform design, tribal and agency coordination



- Develop a preliminary regulatory framework that lists the anticipated environmental permits and agency consultations necessary to advance the project
- Catalog all geospatial data

Deliverables:

- The results of this task will be combined with the results of Task 1.3 to create a single workshop and Constraints Analysis TM (Draft and Final).

Task 1.6.5 – Estimate Rate Impacts of Local and Regional Alternatives

Potential monthly user rates will be estimated by incorporating the cost estimates for the local and regional alternatives into the existing Excel-spreadsheet rate model created by Bennett Engineering as part of the 2017 Facilities Report.

Deliverables:

- Updated version of rate model. Written results incorporated into TM5, prepared under Task 1.2.4 – Siting Alternatives Analysis.

Task 1.7. Public Outreach

The Town keeps in contact with its citizens on an on-going basis, through website postings, newspaper articles, and other means. For Phase 1, HDR will make use of these existing methods, and will not implement any separate public outreach efforts (e.g., no stand-alone public meetings). HDR will provide materials to Town staff for use in their existing outreach efforts. HDR will also provide support at the Town Council meeting at the end of Phase 1, where it is anticipated the Town Council will choose its preferred alternative to carry into Phase 2.

Deliverables:

- Updated version of rate model. Written results incorporated into TM5, prepared under Task 1.2.4 – Siting Alternatives Analysis.

Phase 2 – Preliminary Engineering and Environmental Document

The primary purpose of Phase 2 is to complete an environmental document and perform preliminary engineering on the chosen alternative. The scope below is written assuming the local WWTP alternative is chosen for implementation. If the regional alternative is chosen, the scope language below will be updated before implementation of Phase 2 begins.

Task 2.1. Phase 2 Project Management

The Town Engineer will serve as the contract manager and direct liaison between the HDR team and the Town. HDR will coordinate and be responsible for scheduling meetings, preparing and distributing minutes, tracking action items for the Town and consultant subcontractors, and preparing all submittals and deliverables to the Town.

HDR will develop monthly progress reports to support invoicing; schedule and coordinate HDR team staff and resources to execute the work; and coordinate the quality assurance/quality control (QA/QC) effort.

QA/QC reviews of project documents and analyses will be undertaken prior to their submittal to the Town. QA/QC will be implemented in accordance with HDR's quality management system.



HDR will develop an H&S Plan as needed to perform field work. The H&S Plan will be updated as needed for changing field conditions.

HDR will prepare and maintain a PDL that will record decisions made by the Town in the presence of HDR (or communicated in writing by the Town) and will be updated monthly and submitted as part of the project status report.

Deliverables:

- Monthly invoices and project status reports in PDF format and transmitted by email
- Project schedule
- PDL
- H&S Plan (if needed)
- Updated Data Request (if needed)

Assumptions:

- Unless otherwise specified herein, all deliverables will be provided in electronic format.
- TMs will not exceed 15 pages.
- The Town will provide the data that HDR requests, in electronic format, as available. Scope and level of effort estimate may need to be adjusted based on data availability.

Task 2.2. Engineering Design Support

Based on the results of Phase 1, the preferred WWTP location alternatives will be more fully analyzed, including the WWTP location and layout, effluent use/reuse, and biosolids use. This effort will be summarized in an Alternatives Analysis report as described in Subtask 2.2.4.

HDR will provide planning and design for the preferred option from the Feasibility Study (2017) and perform alternatives analysis for different treatment trains/technologies (e.g., membrane bioreactor versus secondary treatment with granular media filtration; cloth filtration at head of WWTP) to produce tertiary treated water based on "Option D: Localized Wastewater Treatment Plant with Beneficial Reuse" from the 2017 Feasibility Study. The wastewater management system alternatives analysis will be expanded to include the three potential sites selected in Phase 1 and outlined in the Project Narrative produced under Task 1.2.5.

The following issues of concern will be considered in this task:

- Vulnerable degradation of groundwater quality, and exceedance of soil capacities to absorb and treat high volumes of wastewater;
- Numerous septic systems have already failed, and will fail in the next 5 to 10 years;
- Businesses have failing septic systems with inadequate leach field capacity and there is a lack of land area to correct the situation;
- Businesses within the Town cannot afford the high cost of septic system repairs and replacement;
- There is a lack of viable sewer infrastructure to serve the commercial and populated residential areas; and
- The impact on the area's economy and on the environment.

Conceptual drawings will be developed using available resources such as Google Earth and/or other aerial mapping software. Using this information, a matrix will be developed to identify advantages and disadvantages associated with each wastewater management option (e.g., collection, treatment, storage, disposal/reuse) such as:



- Right-of-Way impacts/acquisition;
- Environmental impacts;
- Public impacts;
- Utility conflicts/impacts;
- Access impacts to residents/businesses;
- Groundwater depths;
- Permits;
- Construction schedule; and
- Construction costs (order of magnitude only).

This effort will include working with the Town, affected agencies, and development representatives as directed by the Town staff to define the issues. This will include reviewing and gathering pertinent data and requesting additional information so that the issues can be identified.

Evaluation findings and recommendations will be reported in a TM7, which will include recommended wastewater treatment system configuration (including equalization, treatment, storage, and final disposition of treated plant effluent and stabilized biosolids).

Deliverables:

- TM7 – WWTP system Engineering and Planning Evaluation (draft and final)

Assumptions:

- No more than three top WWTP sites will be selected to continue to conceptual design.
- No additional alternatives will be introduced for analysis beyond those selected in Phase 1.
- AACE International Class 5 cost estimates will be prepared.
- Above-listed issues would be considered in the analysis for the three potential WWTP sites identified during Phase 1 and as described in the Project Narrative.
- WWTP unit operations will consider relevant above-listed issues and be formulated to ultimately meet effluent water quality objectives.

Task 2.3 – Environmental Document Preparation

HDR will work closely with the Town and federal lead agency (collectively referred to herein as the lead agencies) to certify and file both a compliant and legally sufficient federal and state environmental review for the Town of Paradise WWTP System Project. HDR will coordinate with the selected federal lead agency to determine what type of environmental review is necessary. Each lead agency has specific guidelines and criteria that must be followed. For example, if State Revolving Funds are used for federal funding through the Water Board, then it would be appropriate to apply the CEQA-Plus process (essentially using the CEQA document that is supplemented with air quality assessment completed using federal methodology and following Section 106 procedures for cultural resources).

This could result in a streamlined adoption by the federal lead agency upon completion, which would simplify coordination during planning. Per the RFP, for the purpose of this Scope of Work, HDR will assume a full EIR/EIS process; however, HDR will work with the Town to develop an approach that has optimal flexibility to allow for change during the planning process.



Task 2.3.1 - Notice of Preparation / Notice of Intent

HDR will develop a Notice of Preparation (NOP) and Notice of Intent (NOI) based on the project description, project objectives, purpose and need, alternatives, and environmental constraints analysis. In this way, the NOP and NOI will disclose potential issues and impacts to be explored during scoping. HDR will coordinate with the lead agencies to identify Responsible, Cooperating, and Coordinating agencies and Tribes that might play a role in the CEQA or NEPA process. HDR will revise both the NOP and NOI based on comments received from the lead agencies. HDR will prepare the transmittal documentation, distribution list and reproduction for distribution of both the NOP and NOI.

Concurrently, HDR will work with the Town to complete consultation under Assembly Bill 52 (AB52). This includes drafting letters to elicit information regarding Tribal Cultural Resources (TCRs), to assess the potential for impact to these resources. These letters will be distributed by the Town to interested Tribes within 14 days of the NOP. Subsequently, HDR will assist the Town in follow-up discussions with Tribes responding with interest in the project to focus the discussion of impacts to those TCRs that are critical to the ongoing practice of traditional life ways.

Deliverables:

- Notice of Preparation (draft and final)
- Notice of Preparation – distribution of up to 25 copies via certified mail
- Notice of Intent (draft and final)
- Notice of Intent – distribution of up to 25 copies via certified mail
- Tribal Notification Letters (draft and final)
- Tribal Notification Letters – printed for distribution of up to 5 copies via certified mail by the Town

Assumptions:

- The federal lead agency will be defined during this task to bring consistency and efficiency to the environmental review process.
- HDR will distribute the NOP to the State Clearinghouse on behalf of the Town.
- The federal lead agency will be responsible for publishing the NOI in the *Federal Register*.
- The Town will be responsible for sending letters to interested Tribes.

Task 2.3.2 - Public Scoping Meeting and Scoping Support

Several activities will be conducted by HDR to support the Scoping Meeting; they are described below.

Noticing: HDR will prepare one administrative and one final draft of the newspaper notices.

Stakeholder List: HDR will obtain from the Town the agencies, organizations, and individuals that have previously indicated interest in the project. This list will be reviewed by the Town and supplemented by HDR, if additional stakeholders are identified. After the scoping process has been completed, the stakeholder list will be modified by HDR. The stakeholders list will be modified by HDR once again after the end of the public review process.

Scoping Meeting Support: HDR will support the Town in conducting and facilitating the public scoping meeting. For the purpose of this scope of work, it is assumed that up to two open house style scoping meetings would be hosted with a 30-minute presentation about the project.



HDR will prepare a draft and final presentation for the meeting and up to three one-page handouts describing project elements. For the scoping meetings, HDR will be responsible for:

- Preparation, printing, and distribution of the meeting notice, including newspaper copy (Town will be responsible for publication)
- Preparation of meeting support materials, including sign-in sheets, handouts, presentation slides, flip charts, and posters
- Meeting facilitation
- Collecting written comments

HDR will provide draft copies of all meeting materials to the Town to review prior to finalizing.

Deliverables:

- One meeting notice (draft and final)
- Meeting materials (sign-in, hand-outs, up to 6 poster boards)
- One Electronic Copy of the Administrative Draft/Final notes to District offices

Assumptions:

- The Town will be responsible for posting, filing, and publishing of public notices associated with the Scoping Meeting.
- The Town will coordinate logistics for meeting location(s), dates, and booking. HDR will provide necessary equipment such as laptops or projectors to show HDR presentation.
- This scope of work does not include a stenographer or transcriber at the public meetings to record public comments.

Scoping Report: HDR will prepare a scoping report (draft and final) documenting the process, comments received, and issues raised in the scoping process that may affect the alternatives to be discussed or that may be incorporated into the documents.

Deliverables:

- One Electronic Copy of the Administrative Draft/Final Scoping report to District

Assumptions:

- The scoping report will include a TM summary of scoping activities, materials, and comments received.

Task 2.3.3 - Prepare Project Description

HDR will prepare the project description section of the EIR/EIS. This will include the project objectives, and purpose and need statements developed in Phase 1. Building off of the development of the project objectives, purpose and need statements, and the alternatives screening process in Task 2.2, HDR will identify the alternative technologies, systems, and locations reviewed, including their environmental impacts, feasibility, and constructability. The alternatives section of the EIR/EIS will describe which alternatives meet the project objectives, purpose, and need, and will therefore be evaluated fully in the EIR/EIS, and which alternatives will not be carried forward and why. For the purpose of this scope of work it is assumed that the alternatives section will include the No Project/No Action Alternative, the Proposed Action/Proposed Project Alternative, and up to two additional alternatives.



One draft of the project description and alternatives sections will be prepared by HDR and submitted to the lead agencies for review. These sections will be revised based on comments received from the lead agencies and redistributed for final review, with responses to individual comments. Outstanding comments or disagreements will be resolved through an In Progress Review Meeting held in person at the Town offices with the intent of having a final project description section and a final alternatives section that can be directly rolled into environmental review by the end of the meeting.

Deliverables:

- Project Description (draft and final)
- Alternatives description of the EIR/EIS (draft and final)

Assumptions

- The project objectives, purpose, and need will be developed in Phase 1 and Task 2.2 above.
- Selection of alternatives will be completed in Phase 1, Task 2 above and will include the Proposed Action/Proposed Project and two alternatives: the No Project/No Action Alternative and up to two additional action alternative within the boundaries of the localized treatment option.
- Following submittal of a first draft of the project description, the lead agencies will provide HDR with a consolidated set of comments. HDR will update the document per the comments received and transmit a revised second draft of the project description with response to those comments. HDR will host an In Progress Review meeting with the lead agencies to review responses and address outstanding conflicts. Final revisions will be made real time with the project review team.
- The project description and alternatives description chapter will be agreed upon by the lead agencies as well as any Cooperating/Responsible agencies prior to initiating the environmental impact analysis (Phase 2, Task 3.4).

Task 2.3.4 - Administrative Draft CEQA / NEPA

Document Outline

As noted, for the purpose of this scope of work, to align with the RFP, HDR will assume the development of an EIR/EIS¹ and will draft an annotated outline for the entire document including:

- An executive summary outline
- A definition of terms to streamline the CEQA/NEPA cross-cut review
- A description of the project to meet both CEQA and NEPA content requirements
- Project Objectives, Purpose, and Need
- A description of the alternatives screening process including alternatives to be described fully and carried forward in the CEQA and NEPA analysis as well as a description of those alternatives found not to meet the project objectives, purpose, and need

¹ If the federal lead agency decides to take a CEQA-Plus approach, the same scope and approach will be implemented and much of the same content will be carried forward. The difference would be in certain terminology and in the explanation of approach in the document.



- Identification of all CEQA and NEPA environmental resource topics to be evaluated completely for the Proposed Action/Proposed Project, the No Project/No Action Alternative, and up to two additional alternative within the boundaries of the localized treatment option
- Environmental setting of each resource topic effectively addressing the Existing Conditions (CEQA) and Affected Environment (NEPA)
- Regulatory setting for each resource topic
- Impact analysis for each resource topic for the three alternatives noted above
- Cumulative effects analysis
- Other required CEQA considerations
- Other analysis required per NEPA
- Summary of findings for both CEQA and NEPA
- References
- List of preparers
- Appendices

As part of the annotation for the resource identification and impact analysis outline, HDR will draft technical evaluation guidelines to clearly discuss both the CEQA and NEPA impact conclusions. HDR will provide, or otherwise make recommendations for, adjustment to the CEQA Thresholds of Significance for each topical area that will be used in the finding of significance both before and after mitigation is proposed.

The outline will recommend a layout to clearly conclude and compare CEQA conclusions between the proposed project and alternatives and the NEPA conclusions across alternatives.

HDR will host a working session in HDR's Sacramento office to develop guiding principles and a review process for preparing a readable and understandable document that meets both CEQA and NEPA requirements for the each decision-making and approving agency. A final outline will be kept in the record and provided to both technical subject matter experts preparing the analysis and the review team for reference.

Deliverables:

- Draft Annotated Outline
- Technical Evaluation Guidelines

Assumptions

- An in-person working session will be hosted in HDR's Sacramento office including the HDR team and the project review team.

Environmental Analysis Sections

The following section describes the approach to prepare the Environmental Setting, Impact Assessment Methodology, Environmental Consequences, Mitigation Measures sections of the EIR/EIS. Resource topics are defined based on both the CEQA and NEPA requirements and anticipated impact areas of the proposed activities.

- ***Aesthetics*** – HDR will complete a qualitative analysis based on the CEQA thresholds of significance. HDR assumes a visual simulation and viewshed analysis are not necessary at this time but, if determined



necessary through scoping or other public input, HDR could conduct (as a separate scope and fee) a viewshed analysis using key observation points and facility renderings, or a simulation of operations.

- **Agriculture and Forestry Resources** – Based upon our current understanding of the proposed activities, it is not anticipated that there will be a notable impact to prime agriculture and forestry resources that cannot be avoided. Given the rural conditions, however, this resource would be considered through the initial review and retained in the EIR/EIS if issues are raised during the initial study or concerns noted during scoping.
- **Air Quality** – HDR will quantitatively analyze construction and operational emissions using the CalEEMod model and calculations using MOVES2014b. Because Butte County is in nonattainment for the federal 8-hr ozone standard, the *de minimis* thresholds for General Conformity would apply.
- **Biological Resources** – HDR will build from the initial investigation and field survey at the alternative siting locations completed under Phase 1 (Environmental Constraints Analysis) for presence of sensitive plant and animal species, including federally listed species like vernal pool crustaceans and foothill yellow-legged frog which is a state candidate for threatened/endangered. With a design footprint for each alternative site, HDR will conduct general wetland delineations and stream crossing surveys (protocol level surveys are not included).
- **Cultural Resources** – HDR will build from the initial historic records search completed during Phase 1 (Environmental Constraints Analysis) and analyze the potential physical impacts on historic, pre-historic, archaeological and cultural resources that could result from proposed construction activities.
- **Energy** – HDR will calculate the energy associated with construction and operation of the new facility based on best available information.
- **Greenhouse Gas Emissions** – Construction will be the main source of GHG emissions. HDR will calculate construction emissions through the CalEEMod model.
- **Hazards/Hazardous Materials** - HDR will assess existing conditions of known hazardous waste and materials sites based on database review to identify land acquisition concerns and the potential for construction activities to encounter contaminated materials.
- **Surface Hydrology and Water Quality** – Surface water discharge is not included. Water quality impacts will be described based on qualitative assessment of construction.
- **Land Use and Planning** – The WWTP is expected to change an existing land use. The EIR/EIS will characterize the change and address whether indirect changes would occur to surrounding land uses based on discussions with the Town and similar projects in other communities.
- **Mineral Resources** - Based upon our current understanding of the proposed activities, it is not anticipated that there will be a notable impact to mineral resources that cannot be avoided.
- **Noise** – Noise associated with construction will be the primary impact and many of these activities might traverse residential or other sensitive land uses. Operational noise could affect adjacent land uses. A quantitative assessment of noise and vibration impacts associated with each phase will be conducted for comparison between alternatives.
- **Population/Housing** – This project could lead to new opportunities for population and housing in the service area. The potential impacts to population and housing will be analyzed under Growth Inducing Impacts. The EIS/EIR will consider the balance of current housing against WWTP capacity and how the



Town is positioned to grow. It is not anticipated that siting of the project would lead to housing displacement.

- **Public Services** - Based upon our current understanding of the proposed activities, it is not anticipated that there will be a substantial change to public services.
- **Recreation** - Based upon our current understanding of the proposed activities, it is not anticipated that there will be a substantial change to recreational resources.
- **Transportation** –For each alternative location (assuming the proposed project and up to two alternatives), HDR will identify up to 8 study intersections and 8 roadways where traffic associated with construction of the WWTP could affect mobility and cause traffic delays. HDR will establish the existing conditions of these study intersections and roadways to develop baseline models and develop the trip generation for construction of the WWTP (e.g., workers, equipment, deliveries). A comparison between the baseline and construction conditions on the study intersections and roadways would be the basis of characterizing transportation impacts of the WWTP. Operations of the WWTP will most likely involve too few vehicles (e.g., <50 employees) to have a noticeable impact. The impact analysis for construction would consider roadway closures needed, multiple day closures, and seasonal changes.
- **Tribal Cultural Resources** – HDR will assist the Town in follow-up discussions with Tribes to focus the discussion of impacts to those TCRs that are critical to the ongoing practice of traditional life ways and document such issues in the EIR/EIS.
- **Utilities/Service Systems** – This project will introduce a new utility and service system, which will be analyzed. Construction will also require consideration of waste streams and related capacity. Construction and operation will both raise demands on water supply and power utilities.
- **Wildfire** – The construction and operation of the WWTP is not expected to result in an increase in wildfire for the area. The analysis will note the emergency response and evacuation plan for the WWTP.
- **Socioeconomic Effects** – Although people were displaced in the 2018 fires and previous demographic information is no longer useful, the public outreach processes included in this project will provide valuable input to the development of the socioeconomic effects analysis. HDR will use data collected from the Town to characterize current conditions and anticipated impacts of the WWTP.
- **Environmental Justice** – Using best available population information, HDR will identify minority and low-income populations that may experience disproportionate high and adverse effects from the project. Identifying EJ populations will be a focus area of public outreach as well.
- **Growth Inducement** – It is recognized that this project could lead to new growth in the area as well as retention. The design of the facility, and overall system, will consider that growth potential and the EIR/EIS will analyze the related impacts, adverse and beneficial, that could result.
- **Cumulative Effects** – The EIR/EIS will analyze the past, present, and reasonably foreseeable actions that have affected or will affect the same resources potentially affected by the proposed WWTP. The effects of the WWTP project will be considered in the context of these projects. It is important to note that since this project is part of a much broader restoration of the Town of Paradise, the cumulative impact analysis is anticipated to be robust and comprehensive. HDR will develop the scope of this analysis at the kickoff meeting by identifying the temporal and geographic boundaries of the analysis. It is assumed that the cumulative effects analyses will be conducted qualitatively.



For each of the resources identified, HDR will:

- Identify potential policies, laws, facilities, and projects that could potentially influence or be influenced by the Proposed Project or alternatives
- Characterize the environmental setting and regulatory framework
- Review public scoping and resource agency comments received on the NOP/NOI, and during the public scoping meeting to ensure substantive and relevant concerns are addressed in the EIR/EIS, as appropriate
- Identify impact indicators and significance criteria for use in the assessment of potential impacts.
- Quantitatively and qualitatively (as appropriate for the resource) describe the methodology for assessing impacts
- Explain environmental consequences and levels of significance utilizing the technical evaluation guidelines and significance criteria
- Propose mitigation measures if warranted

As required under NEPA, each alternative will also be analyzed at the same level of detail as the proposed action. As such, the same process will be repeated for each alternative.

Assumptions

Other CEQA Considerations Sections

Other required sections (e.g., short-term vs. long-term, irreversible and irretrievable, issues found not significant, references, acronyms and appendices) will be prepared. It also is assumed that the EIR/EIS will include a section for addressing those effects that have no substantially (significant) adverse effect.

Other Required NEPA Analysis

Per the NEPA requirements, HDR will evaluate the proposed activities associated with the Town of Paradise WWTP System Project with regard to (a) the relationship between local short-term uses of the environment and long-term productivity; (b) irreversible or irretrievable commitment of resources; and (c) incomplete or unavailable information.

Assumptions

- The Proposed Action/Proposed Project and two alternatives: No Project/No Action Alternative and up to two additional alternatives within the boundaries of the localized treatment option, will be analyzed in this EIR/EIS.
- No further field or supplemental studies are proposed during this subtask.
- Technical appendices will be limited to detailed technical data used to develop the impact analysis. No stand-alone technical reports will be prepared. All analyses will be incorporated into the main body of the EIR/EIS.
- No visual renderings will be required to assess the impacts on aesthetic resources. If found necessary during public scoping or otherwise, HDR will negotiate scope with the Town.
- The CalEEMod model will be used to assess the anticipated air quality and greenhouse gas emissions. No other field surveys or measurements will be conducted.



- No noise measurements or traffic counts will be collected.
- No modeling is required to assess effects of the alternatives on hydrology or water quality.
- For the purpose of this scope of work and basis of cost, it is assumed that the document will be reviewed as a complete set; however, as a time-saving strategy, HDR can work with the Town to develop a staggered review process optimizing data and reviewer availability around project milestones.

Deliverables:

- Administrative Draft EIR/EIS for collective review by the project review team.

Task 2.3.5 - 2nd Administrative Draft EIR / EIS

Each lead agency will provide HDR with a consolidated set of comments on the First Administrative Draft EIR/EIS. Once comments have been received from the project team and reviewed by HDR, HDR will host an In Progress Review to review comments, resolve conflicts, or gain clarity. HDR will make the revisions to the document per the comments received and transmit a revised Second Administrative Draft EIR/EIS to the project team.

In line with this iteration, factoring in the input received from the project team during the First Administrative Draft EIR/EIS review, HDR will prepare a Mitigation Monitoring and Reporting Program (MMRP) in compliance with CEQA Guidelines Section 15097 documenting each of the mitigations required to minimize or avoid impacts to the environment, responsible party, and timeframe for implementation.

Deliverables:

- Second Administrative Draft EIR/EIS for collective review by the project review team.

Assumptions

- No substantive new analysis or additional technical studies will be warranted to revise the EIR/EIS.
- The Second Administrative Draft EIR/EIS In Progress Review will be in person at the Town offices. It is assumed this meeting will be a full day and attended by up to two HDR team members.

Task 2.3.6 - Public Draft EIR / EIS

HDR will finalize the Public Review Draft EIR/EIS. HDR will draft the Notice of Completion (NOC) and Summary Document for transmittal to the State Clearinghouse. HDR will draft the *Federal Register* notice of the availability of the Draft EIR/EIS. HDR will revise the NOC, Summary Document, and *Federal Register* notice based on one consolidated round of comments by the project review team.

HDR will draft the legal ad and coordinate with one publication in up to two local newspapers about the availability of the Draft EIR/EIS and about upcoming public meetings. HDR will provide a hard copy to one local library.

Deliverables:

- Draft and final NOC and Summary Form
- Draft and final *Federal Register* notice
- 30 paper copies of Public EIR/EIS
- 30 CDs of Draft EIR/EIS

Assumptions:

- The Town will retain 5 copies of both the hardcopy and CD versions of the Public Review Draft EIR/EIS.



- HDR is responsible for printing hard copy documents and producing CDs of the Public Review Draft EIR/EIS.
- HDR will mail up to 30 paper copies and 30 CDs of the environmental documents using non-priority mail service with return receipt verification or similar verification process. HDR will transmit, on behalf of the Town, an additional 15 copies to the State Clearinghouse.
- No special delivery is required for mailing documents/CDs, only return receipt verification.
- The NEPA Lead Agency will be responsible for publishing the Federal Register Notice.

Task 2.3.7 - Public Meetings

HDR will provide the following support for up to two public meetings held during the Draft EIR/EIS public review period. HDR will attend and participate in a public hearing style meeting and include a brief overview of the meeting's purpose, ground rules, and agenda at the beginning of the meeting. A brief presentation will be made by HDR regarding the environmental process, a summary of the range of alternatives analyzed the public comment procedure, and the process to produce the Final EIR/EIS. HDR will draft a presentation, up to four handouts, and four posters for the meetings. HDR will participate in up to two two-hour preparation teleconferences and one dry run in-person meeting held before the first meeting.

Deliverables:

- Public meeting PowerPoint presentation
- 30 copies of up to 4 handouts
- 1 copy of up to 4 posters

Assumptions

- The Town is responsible for coordinating the meeting venue(s) and timing.
- Verbal comments will be received but will not be documented or collected by a court reporter.
- Public meetings will occur on the same or consecutive days and will be attended by up to four (4) HDR staff to register, facilitate, lead discussion, answer questions.
- Only written comments will be accepted for inclusion in the EIR/EIS; however, HDR will work with the Town to determine if an open house or public hearing is the best approach.
- This scope of work does not include a stenographer or transcriber at the public meetings to record public comments.

Task 2.3.8 - Final EIR / EIS

HDR will prepare a responses to comments received document on the Public Review Draft EIR/EIS to incorporate into the Final EIR/EIS. Due to the uncertainties associated with the magnitude and extent of the comments, HDR will review the comments received and confirm that the level of effort is consistent with the expectations in our cost assumptions. HDR will host one Comment Response Workshop with the project team to discuss and allocate comments received.

HDR will prepare and provide to the project review team a tracked version of the Administrative Final EIR/EIS and complete response to comments for review. Based on a consolidated set of comments from the project team, HDR will provide a final EIR/EIS, including the response to comments and revisions to the Public Draft EIR/EIS in strike out and delete markup format for publication.



HDR will draft the Notice of Determination and Summary Form for filing with the State Clearinghouse. HDR will further draft the *Federal Register* notice of the availability of the Final EIR/EIS. HDR will revise both sets of documents based on comments received from the Town and Federal Lead Agency, respectively.

Deliverables:

- 30 paper copies Administrative Final EIR/EIS
- 30 CDs of Administrative Final EIR/EIS
- 2 electronic copies (MS Word and PDF) of Administrative Final EIR to the project review team.
- Draft and Final NOD and Summary Form
- Draft and Final *Federal Register* notice

Assumptions:

- Assume no more than 500 individual comments are received requiring detailed response.
- HDR will lead the effort of responding to comments, seeking input from lead agencies as needed.
- Only minor revisions to the EIR/EIS will be needed.
- No new modeling, studies, or analysis will be conducted.
- No new alternatives will be required.

Task 2.3.9 - Resolution, Findings and Statement of Overriding Considerations

HDR will draft a Findings and Statement of Overriding Considerations for the Town to review. This statement will specify reasoning supporting the Town's analysis, based wholly on substantial evidence² and decision-making process. HDR will revise both documents based on any Town comments on the Administrative Draft Findings and Statement of Overriding Considerations.

HDR will work with the Town to draft a resolution, per CEQA, for when the final EIR/EIS is brought to the Town Council for vote and certification. The resolution will include an objective summary of the findings of the EIR/EIS, mitigations, permits and approvals required along with responsibilities, a summary of the planning and decision making process, including public and stakeholder meetings and any meetings held with technical groups, the Town Council or tribal entities to date, a summary of public outreach efforts, a summary of comments received and how comments were addressed, and reference to the MMRP, Findings, and Statement of Overriding Considerations. A resolution statement noting the objectivity and independent consideration by the council of the environmental review and decision making process along with a statement of decision will be documented and signed. A draft Resolution will be compiled with team input and provided to the Town for review. HDR will revise and finalize the Resolution based on team input prior to the agenda deadline for the Town Council meeting.

Deliverables:

- Draft and Final CEQA Findings and Statements of Overriding Considerations in PowerPoint format.

Assumptions:

- Development of the Resolution will be in coordination with the Town.

² Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinions supported by facts [Public Resources Code §21081(b)(e)(1)].



Task 2.3.10 - Environmental Project Management and Meetings

While the Environmental Lead will be closely integrated with HDR's Management Team, this task addresses the specific management and meetings proposed to facilitate the Task 3 environmental review. This task does not include the full project kickoff meetings, other design integration meetings, or other meetings already noted under Phase 2, Task 1.

HDR will host a Task 3 Environmental Review Kickoff Meeting with the environmental team. The project manager, design manager, GIS manager, and Town Project Manager will also be invited to this meeting. The objective of this meeting is to set the vision of the environmental review process; clearly define the project for the interdisciplinary technical experts; identify uncertainties, potential areas of change during the planning process, and technical risk areas; and ultimately gain a common understanding and endorsement by the team. During this meeting, HDR will present the results of Phase 1 of the project including an overview of the project and alternative and historic decision-making that bring us up to date. We will review the results of the constraints analysis and provide an overview of the required agency coordination. We will use a GIS format for some of this meeting to facilitate a hands-on and tactical discussion of issues.

For this meeting, HDR will have project instructions documenting guidance, milestones, deliverables, schedule, and responsibilities. We will provide a project outline, style guide, file naming conventions, communication plan, and QA/QC plan. We will answer questions and set a framework for consistent communication through the planning process.

HDR will then host up to 12 monthly project teleconferences with the leads of each resource area. During these meetings, the project instructions and schedule will be reviewed. Data needs will be collected and project updates will be shared. A primary purpose of these meetings is to maintain the connection between resource topics and the environmental review and other discussions from design, public engagements, and Town planning.

As noted under Task 2.3.4 (Administrative Draft EIR/EIS), an in-person working session will be hosted to review the technical approach to each resource analysis with key members of the project review team. The value of this session is to make adjustments together with regard to our approach and focus of each section before we move into the ultimate analysis. Under Tasks 2.3.3 (Project Description) and 2.3.5 (Second Administrative Draft EIR/EIS), HDR will host in-person In Progress Review meetings with the project team at specific points of the planning process. And lastly, under Task 2.3.8 (Final EIR/EIS), HDR will host a comment resolution workshop to discuss, assign, and respond to comments from the draft public review period. These are each noted here, but are included in the noted scopes and budgets above.

HDR will help prepare, attend, and participate in public scoping (defined under Task 3.2) and Draft EIR/EIS public hearings (defined under Task 3.7).

The Town will conduct a public hearing to certify the Final EIR portion of the EIR/EIS. This hearing will likely be held at a regularly scheduled Town Council meeting. HDR will prepare a PowerPoint presentation to be given at the meeting by Town staff. Additionally, HDR will draft the CEQA Resolution, as defined under Task 3.9. Up to three HDR staff will be in attendance at the meeting to respond to comments.

Finally, HDR will draft an administrative record index for discussion at the project kickoff meeting. This record will be maintained throughout the environmental review process. Instructions to the interdisciplinary team as far as file naming, content, and filing will be included as part of the project instructions. HDR will provide an electronic preview, which will be a record in draft form after the Draft EIR/EIS milestone. HDR will then provide an electronic record within 30 days following conclusion of the environmental review process.



Deliverables:

- Task 3 Environmental Review Kickoff Meeting Notes
- Project Instructions for the environmental interdisciplinary team
- Task 3 Environmental Review Project Schedule (up to three iterations through project)

Assumptions:

- The Task 3 Environmental Review Kickoff Meeting will be held in HDR's Sacramento office in person and will include up to 10 HDR team members.
- HDR will provide meeting notes from the Task 3 Environmental Review Kickoff Meeting.
- Subsequent meetings (up to 12) will be hosted via teleconference including the technical resource leads (up to 10 HDR team members). Due to their informal nature, meeting notes will not be generated during these meetings.
- In Progress Review meetings and working sessions are noted here; however, the scopes and budgets are defined under subsequent tasks.
- Likewise, public meetings are noted here; however, the scopes and budgets are defined under Tasks 3.2 and 3.7.
- The administrative record will be maintained and submitted in electronic format. While an index will be used to organize the record, indexing coding will not be warranted.

Task 2.3.11 – Public Outreach

At the start of Phase 2, we will work with Town staff to create a Public Involvement Plan for the project. This plan will set forth desired outcomes, messaging, strategies by audience, tools and materials, tactical action steps, schedules, and success measurement methodology. A media relations strategy and digital communications approach are also included in this important guiding document.

We will then implement ongoing outreach activities, including:

- Develop public outreach materials (e.g., a flyer/handout, FAQ sheet)
- Provide materials for upload to the Town website
- Facilitate two public scoping meetings and two public hearings during the CEQA/NEPA process including preparation of team ahead of these meetings
- Facilitate two public workshops outside of the CEQA/NEPA process to review the project with the public and agency representatives
- Develop and maintain a mailing list to support public outreach and CEQA/NEPA processes

Deliverables:

- Draft and Final Public Involvement Plan
- Website materials
- Agenda and presentation materials for two scoping meetings and two public hearings
- Agenda and presentation materials for two public workshops
- Mailing list



Assumptions:

- The Town will be responsible for posting, filing, and publishing of public notices associated with the public meetings.
- The Town will coordinate logistics for meeting location(s), dates, and booking. HDR will provide necessary equipment such as laptops or projectors to show HDR's presentation.
- The public outreach manager will be responsible for team preparation, facilitation, and general management of the public meetings.
- This scope of work does not include a stenographer or transcriber at the public meetings to record public comments.

Budget

Task	Description	Total Costs
Phase 1 - Project Type and Environmental Constraints Analysis		
1.1	Project Management	\$ 45,500
1.2	Develop WWTP Site Locations	\$ 212,783
1.3	Constraints Analysis	\$ 98,190
1.4	Agency Coordination	\$ 45,017
1.5	Collection System Analysis	\$ 68,353
1.6	Development of Regional Alternative	\$ 333,897
1.7	Public Outreach	\$ 23,099
	Consultant Subtotal	\$ 826,839
	Town Administration Costs (5%)	\$ 41,342
	Phase 1 Total	\$ 868,181
Phase 2 - Preliminary Engineering and Environmental Document		
2.1	Project Management	\$ 250,000
2.2	Engineering Design Support	\$ 289,000
2.3	Environmental Documentation	\$ 1,340,000
	Consultant Subtotal	\$ 1,879,000
	Town Administration Costs (5%)	\$ 93,950
	Phase 2 Total	\$ 1,972,950
	Total - Phases 1 and 2	\$ 2,841,131

Funding Secured (USDA & State) = \$972,000

Funding Needed (AB74) = \$1,869,131



ATTACHMENT A
DRAFT

State Water Resources Control Board
AB 74 2017/2018 Wildfire Recovery Planning Grant
Town of Paradise Plan of Study

Schedule

- | | |
|-------------------------|--|
| • Fall 2019 | Advertise and Select Consultant Team (Completed) |
| • Feb. – Dec. 2020* | Phase 1 – Pre-EIR (In Progress**) |
| • Dec. 2020 – June 2022 | Phase 2 – PE & Environmental Document |

* Assumes grant approval and inclusion of regional study scope of work

** Only planned work for local option has commenced