



TOWN OF PARADISE

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Planning Commission Members:

Shannon Costa, Chair

James Clarkson, Vice Chair

Kim Morris, Commissioner

Stephanie Neumann, Commissioner

Anita Towslee, Commissioner

PLANNING COMMISSION

March 17, 2020

Attached are the comments received as of 9:00 a.m.
on Tuesday, March 17, 2020
regarding Agenda Item 5a – Log storage Facility.

If additional comments are received, this item will be
updated by 3:00 p.m. on March 17, 2020.

From: [Paul Farsai](#)
To: [Hartman, Susan](#); [Volenski, Dina](#)
Cc:

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 < >
Sent: Friday, March 13, 2020 3:27:22 PM
To: Hartman, Susan <shartman@townofparadise.com>
Cc:
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*



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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

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: [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

Blue Oaks Terrace resident

Paradise, CA

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: [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

Paradise Ca 95969

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.