



ATTACHMENT C **CONDITIONS/MITIGATIONS**

Condition #1

COMPLIANCE WITH AGENCY REQUIREMENTS. Applicant shall meet the requirements of all Federal, State and local agencies, especially the Tehama County Building Department and the Department of Environmental Health. ***Tehama County Planning Department***

Condition #2

ENVIRONMENTAL FILING FEE. FISH & WILDLIFE ENVIRONMENTAL FILING FEE to be paid to the Tehama County Clerk and Recorder (\$2,216.25 plus \$50 processing fee). Pursuant to Fish & Game Code Section 711.4 and California Code of Regulations (CCR) Title 14, Section 753.5, all environmental filing fees shall be paid prior to the issuance of a building permit. ***State of California, Dept. of Fish & Wildlife***

Condition #3

HAZARDOUS MATERIAL STORAGE. All hazardous materials storage shall comply with the standards contained in the 1985, or most recently adopted, edition of the Uniform Fire Code, Article 80, title hazardous materials. ***Tehama County Department of Environmental Health***

Condition #4

HAZARDOUS MATERIAL QUESTIONNAIRE. Applicant must submit a signed Hazardous Materials general information questionnaire to the Department of Environmental Health (questionnaire can be obtained from the same). ***Tehama County Department of Environmental Health***

Condition #5

EMERGENCY RESPONSE PLAN. If business handles hazardous materials above threshold quantities, business emergency response plan and inventory shall be submitted to the Department of Environmental Health at least 30 days prior to commencing operations. ***Tehama County Department of Environmental Health***

Condition #6

EMERGENCY ACCESS. All parcels shall allow for emergency access (driveways) that shall meet or exceed Article II of Tehama County Code Chapter 9.14, Sections 9.14.020, 9.14.022, 9.14.023, 9.14.024, 9.14.025, 9.14.026, 9.14.027, 9.14.030, 9.14.031.

- a. The roadway shall be designed and constructed to support a 75,000 lbs. load and be constructed of at minimum of an aggregate base to provide all weather access.

- b. The roadway shall be 10 foot minimum and shall not exceed a 16 percent grade.
- c. An approved turnaround shall be required at the facility.
- d. Gated access shall provide an approved Fire Department locking system (KNOX PADLOCK #3770). The entrance shall be a minimum of 14 feet horizontal width and provide a minimum of 15 feet vertical clearance. ***Tehama County Cooperative Fire Protection***

Condition #7

DISPOSAL. According to Article V of Tehama County Code Chapter 9.14, Section 9.14.072: Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit. ***Tehama County Cooperative Fire Protection***

Condition #8

PERMITS ISSUED. Any building permits issued for any parcel shall be conditioned upon compliance with all pertinent sections of Chapter 9.14 of the Tehama County Charter and Code as it reads at the time of permit issuance. ***Tehama County Cooperative Fire Protection***

Condition #9

AREA CLEARED OF FLAMMABLE FUELS. The tower site and all vehicle parking areas shall be cleared of all flammable fuels. ***Tehama County Cooperative Fire Protection***

Condition #10

30' WIDE FIREBREAK. During fire season a 30' wide firebreak, free of flammable material, shall be maintained around the perimeter of tower site. This may be accomplished by disking. ***Tehama County Cooperative Fire Protection***

Condition #11

24-HOUR EMERGENCY CONTACT PHONE NUMBER. Any established cellular tower site shall have a permanently posted placard displaying a 24-hour emergency contact phone number. The size of letters, numbers, and symbols for the placard shall be a minimum 3-inch letter height, 3/8-inch stroke, reflectorized and contrasting with the background color of the placard. The placard must be visible when approaching the tower site from the required road access and shall be maintained throughout the life of the site. ***Tehama County Cooperative Fire Protection***

Condition #12

OPERATIONS AND EQUIPMENT. All operations and equipment on the job site shall conform to Public Resource Code Sections 4427, 4442, and 4443. (Compliance with these sections of the California Public Resources Code is required always regardless of a parcel's zoning designation.) ***Tehama County Cooperative Fire Protection***

Condition # 13

HEAVY EQUIPMENT. A monitor shall be present during any heavy equipment usage (cranes, large trenchers, backhoes, etc. during the nesting season and to ensure avoidance of potential sensitive natural resources. ***State of California, Dept. of Fish & Wildlife***

Condition #14

USE PERMIT. Any violation of this Use Permit shall be subject to revocation pursuant to the Tehama County Municipal Code. ***Tehama County Planning Department***

Condition #15

TELECOMMUNICATIONS TOWER. The tower shall look like a windmill as proposed in the application submitted to the Tehama County Planning Department. ***Tehama County Planning Department***

Condition #16

TRASH/MAINTENANCE. The project site must be kept clean and clear of trash and debris at all times while this Use Permit remains in force. ***Tehama County Planning Department***

Condition #17

CULTURAL RESOURCES. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and a qualified archaeologist shall be consulted, before construction continues. The qualified archaeologist could require the following: including but not limited to, researching and identifying the history of the resource(s), mapping the locations, and photographing the resource. In addition, pursuant to Section 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. ***Tehama County Planning Department***

Condition #18

INDEMNIFICATION. As a condition and in consideration of the approval of this Use Permit, the AT&T shall defend, indemnify, and hold harmless, at the Permittee's sole expense, the County of Tehama and its employees, officers, contractors, and agents (the "County Indemnitees") from and against any claim, action, or judicial or administrative proceeding brought against the County Indemnitees, or any of them, to attack, set aside, void, annul, or otherwise challenge the County's decision to issue this Use Permit to the Permittee, any environmental review or absence thereof associated with the proposed project, or the manner in which the County interprets or enforces the terms and conditions of this Use Permit at any time. AT&T shall provide that all Tehama County costs and attorney's fees associated with legal challenges, if any, to the County's approval of the Project shall be entirely paid for by the AT&T and AT&T shall reimburse any cost for legal services incurred by the County of Tehama Attorney and/or any Attorney services, relating to the approval, implementation, permitting, processing, etc. Furthermore AT&T shall pay all losses, liabilities, damages, penalties, costs, awards, judgments, fees (including reasonable attorney's fees) and expenses arising from such claim, action, or judicial or administrative proceeding. Counsel for the County Indemnitees in any such legal defense shall be selected by the County. Upon request of the County, the Permittee shall execute a formal written agreement containing the foregoing terms within 10 days of such a request, but the Permittee's obligations hereunder shall be fully operative and enforceable regardless of whether such an agreement is executed. Tehama County Planning Department. ***Tehama County Planning Department***

Condition #19

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

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

Condition #20

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

- A. The Developer/Applicant shall submit improvement plans prepared by a Registered Civil Engineer (RCE) to the Tehama County Public Works (TCPWD) for approval in accordance with the TCLD&EDS and applicable sections of the Caltrans Highway Design Manual.
 - 1. Red Bank Road (Co. Rd. #80) encroachment shall be constructed in accordance with the current Standard Drawing #916 – Typical Driveway Encroachment With Culvert or #917 - Typical Private Driveway Encroachment.
 - 2. A Private Road improvement shall be constructed in accordance with the current Standard Drawing #914 – Typical Driveway Sections roadway improvement.
- B. Construction shall not commence prior to approval of the improvement plans, grading permit and encroachment permit by the TCPWD.
 - 1. The Developer/Applicant shall notify TCPWD a minimum of two working days prior to commencement of construction activities.
- C. The Developer/Applicant shall provide the TCPWD with a RCE certification that all improvements were constructed in accordance with the approved improvement plans, TCLD&EDS, and applicable section of the Caltrans Standard Plans and Specifications.
- D. The Developer/Applicant shall submit AS-BUILT improvement plans prior to acceptance of the completed improvements and/or the release of any improvement security. ***Tehama County Public Works Department***

Condition #21

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

Condition #22

ENCROACHMENT PERMIT. The Developer/Applicant shall obtain an encroachment permit from the Tehama County Public Works Department prior to work commencing for the new driveway connection from Red Bank Road (Co. Rd. #80). ***Tehama County Public Works Department***

PRIOR TO OBTAINING A BUILDING PERMIT

Condition # 23

GRADING PERMIT. The Developer/Applicant shall submit a Grading Plan and obtain a Grading Permit from Tehama County Public Works prior to the start of any work related to construction of the driveway and tower/shelter site. ***Tehama County Public Works Department***

Condition # 24

FENCING. Any installation of new fencing along Red Bank Road (Co. Rd. #80) shall be placed one (1) foot outside of the Public Right of Way. ***Tehama County Public Works Department***

MITIGATIONS

Mitigation #1

If construction activities are scheduled to occur during the breeding or nesting season for MBTA birds (February 1st through September 1st), then a preconstruction survey for nesting birds shall be implemented. If surveys identify nesting birds, then the United States Fish and Wildlife Service (USFWS) and or any agency with jurisdiction should be notified. Nesting Bird surveys must be conducted no more than seven days prior to the start of construction activities during the breeding/nesting bird season.

Mitigation #2

The project site contains features that have the potential to support Spadefoot Toads. To ensure that take is avoided a monitor shall be on-site while ground disturbance work occurs, especially trenching. If Spadefoot Toads are found, the applicants/developer must consult the California Department of Fish and Wildlife.

Mitigation #3

Prior to construction activities a biologist shall field delineate (using wood lathe and flagging) the wetland features of the site so that they are not impacted during construction. A 50-foot no-disturbance/habitat protection buffer will be placed around the wetlands to provide protection during construction on the project site.