

PLANNING COMMISSION

Peggy White, Chair
Robert Griffith, Vice Chair
Shirley Benningfield, Commissioner
Candis Woods, Commissioner
Michael Walter, Commissioner

CITY PLANNER
Karen Mantele

MINUTE CLERK
Maria Ehom



201 North Lassen Street
Willows, CA 95988
(530) 934-7041

PLANNING COMMISSION MEETING AGENDA
Wednesday February 15, 2017
7:00 p.m.

1. **Call to Order - 7:00 p.m.**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Agenda Review:** (Requested Changes by Commissioners or Staff?)
5. **Public Comment:** Persons wishing to speak on a matter *not on the agenda* may be heard at this time; however, no action will be taken unless placed on a future agenda. (***Public Comments are generally restricted to three minutes.***)
6. **Approval of Minutes:** Minutes of Planning Commission meeting held December 14, 2016
7. **New Business**
 - a. Election of Planning Commission Chair and Vice Chair
 - b. 6-month review of 2016 Use Permit/Design Review (File# UP-16-05 & DR-16-07) for Thunderhill Grill & Catering Mobile Food Truck/Central Commercial zone/222 W. Sycamore Street/APN: 002-172-006
 - c. Use Permit (File #UP-17-01) Applicant/Owner: Randal Toews/Dean Stoullil Trs, etal Assessors' Parcel Numbers 001-360-001 (portion of) & -002/200 County Rd. G/General Commercial/Light Industrial Zone/ Commercial Industrial Combing Land Use Designation/Establish an outdoor sales/display business
 - d. Tentative Map (File# MSUB 13-01) & Use Permit (File #16-08) Applicant/Owner: Ron Kahn of F.A. Investments/CH Zone/Highway Commercial Land Use Designation/Request to subdivide 8.72 acres into four parcels and Request to allow additional height of pylon sign with Master Sign Program

8. Commission Commentary

- a. Discussion on setting date for joint CC/PC meeting in April

9. Adjournment

CERTIFICATION: Pursuant to Government Code § 54954.2 (a), the agenda for this meeting was properly posted on or before February 10, 2017.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org. In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider

MINUTES OF THE WILLOWS PLANNING COMMISSION MEETING

WEDNESDAY, DECEMBER 14, 2016

1. The meeting was called to order at 7:00 pm by Chair White.

2. **PLEDGE OF ALLEGIANCE:**

Chair White led the Pledge of Allegiance.

3. **ROLL CALL:**

Karen Mantele, Planner, Maria Ehorn, Minute Clerk

PRESENT: White, Benningfield, Griffith, Woods, Michael

ABSENT:

4. **AGENDA REVIEW:** Chair White asked if there were any changes to the agenda by staff or Commissioners. Staff and Commission had no changes to the agenda.

5. **PUBLIC COMMENT:** Chair White introduced the item. No comments were made.

6. **APPROVAL OF MINUTES:** It was moved by Commissioner Griffith seconded by Commissioner Woods to approve the minutes of November 16, 2016.

AYES: White, Benningfield, Griffith, Woods

NOES: None

ABSENT:

ABSTENTION: Michael

7. **PUBLIC HEARING(S)/NEW BUSINESS:**

a. Design Review (File#DR-16-09) Applicant/Owner: Eric & Suzanne Wunsch/same

353 W Wood Street/Assessors Parcel Number 005-401-013 & 014/Entryway (E) zone/Entryway Land Use Designation/Design Review for new administration building and site improvements.

Chair White introduced the agenda item. Ms. Mantele presented the agenda report to the Commission. A short discussion between staff and Commission was had regarding the landscape plan. Staff will be approving the landscape plan administratively as per standard practice. Commissioner Benningfield asked about the Conditions of Approval (COA), specifically # 13 & 14. Clay Dawley, Building Official, explained the requirements.

Chair White then opened the public hearing. No comments were heard. Chair White then closed the public hearing.

Commissioner Michael moved to approve the next resolution in line entitled, A Resolution of the Planning Commission of the City of Willows granting design review approval (File #DR-16-09) to Eric and Suzanne Wunch for construction of a 1,833 sf office building and site improvements for property located at 353 W. Wood Street, Assessors Parcel Number 005-401-014. The motion was seconded by Commissioner Griffith.

AYES: White, Benningfield, Griffith, Woods, Michael

NOES: None

ABSENT:

ABSTENTION: None

b. Design Review (File#DR-16-10) Applicant/Owner: Alternative Energy Systems/Suresh Patel

475 N Humboldt Avenue/Assessors Parcel Number 017-330-022/CH (Highway Commercial) zone/Highway Commercial Land Use Designation/Design Review for roof mounted photovoltaic solar system on existing commercial building.

Chair White introduced the agenda item. Ms. Mantele presented the agenda report to the Commission.

Chair White opened the public hearing. No comments were heard. Chair White then closed the public hearing.

Commissioner Woods moved to approve the next resolution in line entitled, A Resolution of the Planning Commission of the City of Willows granting design review approval (File #DR-16-10) to Suresh Patel for the installation of a flush roof-mounted solar system onto the Best Western Motel for Property located at 475 N. Humboldt Avenue, Assessors Parcel Number 017-330-022. The motion was seconded by Commissioner Benningfield.

Willows Planning Commission Agenda Report:

February 15, 2017

Subject: Election of Chair & Vice Chair
To: City of Willows Planning Commission
From: Karen Mantele, Principal Planner 

Review Process

Per Section 2.35.020 (Powers/Duties/Procedures of Planning Commission) of the Willows Municipal Code and City Policy Number 6-1, and in order to facilitate a consistent and orderly selection of officer, appointments of the offices of Chair and Vice-chair shall be made during the first meeting of the Planning Commission after January 1st of each year. The Chair and Vice-Chair positions will be by majority vote of the Planning Commission.

Staff Recommendation:

Elect Officers

Planning Commission Agenda Report:

February 15, 2017

Project: Use Permit (File #UP-16-05) and Design Review (File# DR-16-07)
Request to establish a mobile food business and Install a metal canopy for shade/eating

Applicant(s)/Owner: Jim Thompson for Thunderhill Grill & Catering/Larry Pastorino

Project Location: 222 W. Sycamore Street

Parcel No: 002-172-006

Zoning: Central Commercial (CC)

General Plan: General Commercial

Background:

In August of 2016 the Planning Commission heard a Use Permit/Design Review application to establish a mobile food truck on a vacant lot in the downtown district of the City. At that meeting the Commission approved the Use Permit and Design Review application with a condition (#7) that the *“Term of the Use Permit shall be for 6 months from the date of approval, with a review thereafter determined by the Commission”*.

Current Status:

The mobile food truck did establish the business at the location on Sycamore Street; and was fairly regular at being there between 10am – 2pm during the late summer/fall. The applicant provided Staff with a letter from a business within 200 feet of the site for use of their restroom, required per Health and Safety Code. The applicant provided a statement as to the trash in that they remove trash whenever at the site and that there will be no trash or trash cans left on the property when the truck is not there. As to the reason why the pot holes on the site have not been filled with gravel as stated at the meeting, Mr. Thompson in an email to staff stated that if there is no covered area and no seating per what he understood from the Commission meeting discussion, then he felt no need to cover the lot when he can drive the mobile truck on the lot and park it next to the existing sidewalk for use.

The applicant was contacted regarding future plans to continue the business; asked whether he intended to put up tables for seating; and whether the pot holes in the vacant lot was going to be filled. Mr. Thompson replied stating that they have decided to not use the downtown lot and to abandon the project at that location. He felt what the people need is some outlet of food there on a consistent basis and that was not the intent for us. The food truck had a window of time set aside to fill the downtown need however the race track came first and by not going downtown as they had planned left people upset that they were not there. Bottom line was it was not profitable for them and didn't see it as a business model that was a good fit for them. The food truck will remain at the racetrack and maybe go out on one off events. Mr. Thompson wanted to thank the board for all the help and support and hoped to work with all of you in the future.

STAFF RECOMMENDATION:

Staff recommends that the Commission review the current status and determine that this Use Permit is expiring based upon the applicant's statement.

Submitted by:



Karen Mantele
Principal Planner

THE APPLICANT IS REMINDED THAT THERE IS A 10 (TEN) DAY APPEAL PERIOD FOLLOWING THE PLANNING COMMISSION DECISION ON THE USE PERMIT PURSUANT TO Chapter 18.135.060

Planning Commission Agenda Report:**February 15, 2017**

Project: Conditional Use Permit (File #UP-17-01) /Request to allow outdoor sales/display business
 Applicant(s)/Owner: Randal Toews/Dean Stoullil Trs. etall
 Project Location: 200 County Rd. G
 Parcel No: 001-360-001 (portion) & -002
 Zoning: CG/ML (General Commercial/Light Manufacturing District)
 General Plan Commercial/Industrial combining

Project Description

The applicant, Randal Toews, has submitted a Use Permit application, a request is to establish retail sales/display business on vacant land located between County Road G and Interstate 5 in the City of Willows. The subject property consists of the northern portion of a parcel (-001) and all of another parcel (-002). The applicant proposes to display several pre-constructed wood framed storage buildings ranging in size from 8x8 to 14x40. The intent is as one building sells, another building will be placed for display; as sales will take place mainly via the internet and phone. Hours of operation will be Monday through Saturday, 8am to 5pm with seasonal variations. The applicant states that the lot will be attended by one full time employee during the open hours each day.

The parking requirements for sales display uses calls for 1 parking space for every 500 square feet of gross floor area. It is unknown the approximate area of the sales area as the site plan is not to scale, however the parking will have to satisfy the parking requirements including handicap accessibility to the office. The previous use installed a handicap parking space which was located next to their office trailer. The applicant intends to place a portable office trailer and or build an office in the future on the lot in this location. The parking surface is currently a good base gravel. There is an existing light pole on the property; however not operational at this time. An existing pole sign is located on the southern portion of the subject property; however it is not intended to be used at this time and therefore not a part of this project.

Background

In 1996 the subject property was allowed by way of a Use Permit, to be used as a temporary auto sales business. In 2006 a Use Permit for a sales/display of livestock panels and car trailers was approved by the Commission.

Project Setting

The project site is located in the western portion of the City. Parcel 001-360-002 is adjacent to Interstate 5 and Parcel 001-360-001 is located west, adjacent to this parcel. There are no residential dwellings located on the parcel. A swale extends along the northern subject property boundary and a ditch/culvert runs adjacent to the Interstate. South of the subject property is Valley Tractor and MJB Welding Supply businesses. To the north is Kanawha Water District office. Interstate 5 is to the east and the Willows Airport is to the West.

Zoning/General Plan Consistency

The property is a combining district; General Commercial & Light Manufacturing (CG/ML). Section 16.03(6) (CG District) allows "Automobile and equipment sales and service including used car lots". Section 18.03(1) (ML District) states that the following uses and structures may be permitted in the ML zone "Retail stores and business or service enterprises which, in the opinion of the Planning Commission, are similar to those included in Section 16.03 of the CG District". Storage buildings are not necessarily

pieces of equipment, however Staff has determined that the parcel has been allowed in the past to be used for outside sales display areas; therefore making the proposed use consistent with the zoning districts.

The subject parcel is designated in the General Plan as Commercial/Industrial combining, which allows for general commercial or light industrial uses, making the use consistent with the General Plan.

Environmental Review and Analysis

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA) for environmental impacts. Staff has determined that the proposal is exempt from further CEQA pursuant to CEQA Code Section 15305, Class 5, Minor Alterations in Land Use Limitations.

Findings of Fact

Based upon the facts and conclusions contained within this staff report the following findings must be made in order to approve the applicant's Use Permit request:

1. That the use is consistent with the purposes of the district in which the site is located.
2. That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
3. That the proposed use is in conformance with the General Plan.

In accordance with Section 18.135.030 notice of this public hearing was published in the local newspaper ten (10) days prior to the public hearing and all property owners as indicated on the latest secured Assessor's records within 400 feet of the subject property were sent notice of the hearing.

STAFF RECOMMENDATION:

Staff recommends adoption of the attached resolution recommending Use Permit approval for Randal Toews to establish an outdoor retail sales/display business for property located at 200 County Rd. G, Assessors Parcel Numbers 001-360-001 & -002, subject to the conditions of approval as shown in Attachment #2.

PLANNING COMMISSION OPTIONS:

- 1) Approve the Use Permit application proposal as submitted, approve with modifications subject to Conditions of Approval as described in Attachment 2
- 2) Deny the Use Permit application with appropriate findings for denial

Attachments:

1. Draft Planning Commission Resolution
2. Proposed Conditions of Approval
3. Aerial Site plan
4. Applicants Statement
5. Sample of storage buildings
6. APN map

Submitted by:


Karen Mantele
Principal Planner

**THE APPLICANT IS REMINDED THAT THERE IS A 10 (TEN) DAY APPEAL PERIOD FOLLOWING
THE PLANNING COMMISSION DECISION ON THE USE PERMIT APPLICATION**

DRAFT

PC RESOLUTION NO. _____-2017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS GRANTING USE PERMIT APPROVAL (FILE # UP-17-01) TO RANDAL TOEWS TO ESTABLISH AN OUTDOOR RETAIL SALES/DISPLAY BUSINESS FOR SALE OF STORAGE BUILDINGS ON PROPERTY LOCATED 200 COUNTY RD G, ASSESSORS PARCEL NUMBERS 001-360-001 & -002

WHEREAS, the applicant, Randal Toews has filed a Planning application for a Conditional Use Permit to request the establishment of an outdoor retail sales/display business; and,

WHEREAS, the property has combined zoning of General Commercial/Light Manufacturing (CG/ML); and

WHEREAS, the City of Willows Municipal Code Section 18.70.030 (ML District) states that the following uses and structures may be permitted in the ML zone "Retail stores and business or service enterprises which, in the opinion of the Planning Commission, are similar to those included in Section 18.60.030 of the CG District" with Use Permit approval; and

WHEREAS, the Planning Commission finds that the proposed use of a retail sales/display business to sell storage buildings is similar in nature to those uses listed in Section 18.60.030; and

WHEREAS, notice of the Planning Commission meeting held on February 15, 2017, was published in a newspaper of general circulation in the City in accordance with law, and mailing to property owners within 400 feet were sent; and,

WHEREAS, on February 15, 2017, the Planning Commission reviewed all evidence submitted in connection with the application, including public testimony, staff report, supporting documentation, City codes and regulations, and all other relevant documents and evidence which are part of the record of proceedings; and,

WHEREAS, the Planning Commission finds that the proposal is considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, Class 5, Minor Alterations in Land Use Limitations; and

WHEREAS, the Planning Commission does finds that the proposed use is consistent with the purposes of the district in which the site is located, as outside sales is allowed per Section 18.60.030 with Use Permit approval; and

WHEREAS, the Planning Commission does finds that the use of the property for an outdoor retail sales/display business will not be detrimental to the surrounding area, but will be visible for the freeway and attract interested clients; and

WHEREAS, the Planning Commission does find that the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity, as conditions of

approval incorporate provisions which project will not be detrimental to the public health, safety or welfare; and

WHEREAS, the Planning Commission does find that the proposed use is in conformance with the General Plan, as the property is located within the Commercial/Industrial combing designation, which allows for commercial industrial uses.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows does hereby find that the Use Permit proposal to establish an outdoor retail sales/display business on vacant land is consistent with the City of Willows General Plan, the City of Willows Municipal Code, and hereby approves Use Permit (File#UP-17-01), subject to the attached conditions of approval set forth in Attachment #2.

IT IS HEREBY CERTIFIED that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission of the City of Willows on Wednesday, the 15th day of February 2017, by the following vote, to wit:

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____

APPROVED: _____,
_____, Chairperson

ATTEST: _____
Maria Ehorn, Recording Secretary

**USE PERMIT CONDITIONS OF APPROVAL FOR
Randal Toews
For property located at
200 County Rd. G/APN; 001-360-001 (portion of) & -002**

PC approval date: _____, 2017

General

1. That the applicant/developer shall enter into a Pass Through Agreement with the City of Willows to pay the cost of all planning review, plan checking and field inspection of this development.
2. If the use (establishment of an outdoor retail sales/display business) is not made on the project subject to the permit within one (1) year after the date of granting the permit, then without further action, the permit shall be null and void and such use shall not be made of the property except upon the granting of a new permit.
3. This use permit is void one (1) year after the use permitted by such permit is discontinued.
4. All plans for additional uses, which are not covered by this review, shall be submitted to the City Manager/Planning Commission for review and approval prior to use.
5. The approval of this project shall be subject to the latest adopted Ordinances, Resolutions, Policies and fees of the City of Willows.
6. Per Section 18.125.050, any and all signage for the business shall be approved by the Planning Department prior to installation.
7. At the time of placement of an office trailer and or construction of an office building, a completed building permit application and plans shall be submitted to the City Building Department for review.
8. Accessibility to temporary or permanent buildings shall provide for handicap accessibility according to the building code.

Public Works Department.

9. The sewer connection fee is \$1,250, due and payable prior to connection WMC Section 13.10.190.
10. The existing manhole located on lot -002 must be accessible by City personnel at all time. Applicant must maintain a 20-foot clearance perimeter around the manhole. Do not block or cover manhole.
11. The City's Public Works Director shall have a key to any gate or an emergency contact number to contact in order to maintain the existing sewer system.

Aerial Site Plan



Applicants Statement

R&R BARNES
380 S Humboldt Ave
Willows, Ca 95988

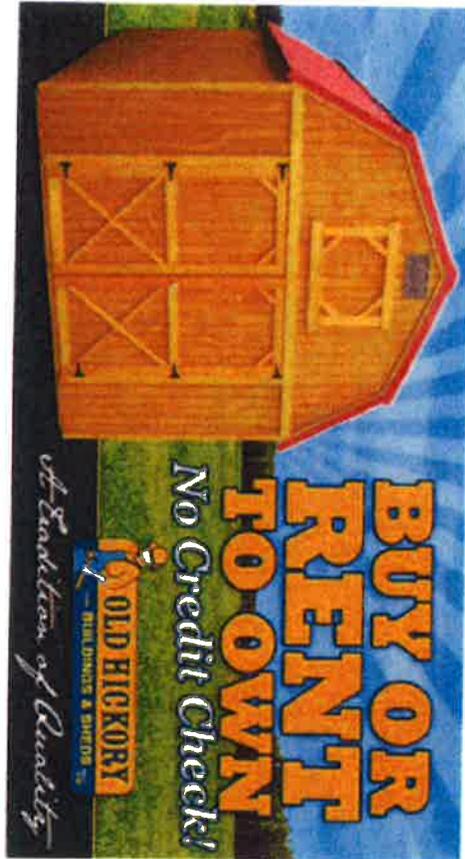


01/21/2017

R&R BARNES is planning on displaying and selling Old Hickory portable storage buildings that are manufactured at California Barnes plant at county Road 27. Hours of operation will be Monday through Saturday 8AM to 5PM with some seasonal variations. This lot will be attended by (1) full time employee during the open hours each day.

Signed: Randal Ewins Date: 1/25/17

Sample of proposed storage building



1901

DRY-25
MICHIGAN TRUCKS

Gated
Entrance

FUTURE
OFFICE



200

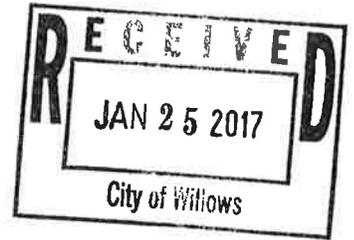
100'

1011

RECEIVED
JAN 25 2011
City of Willows

R&R BARNES

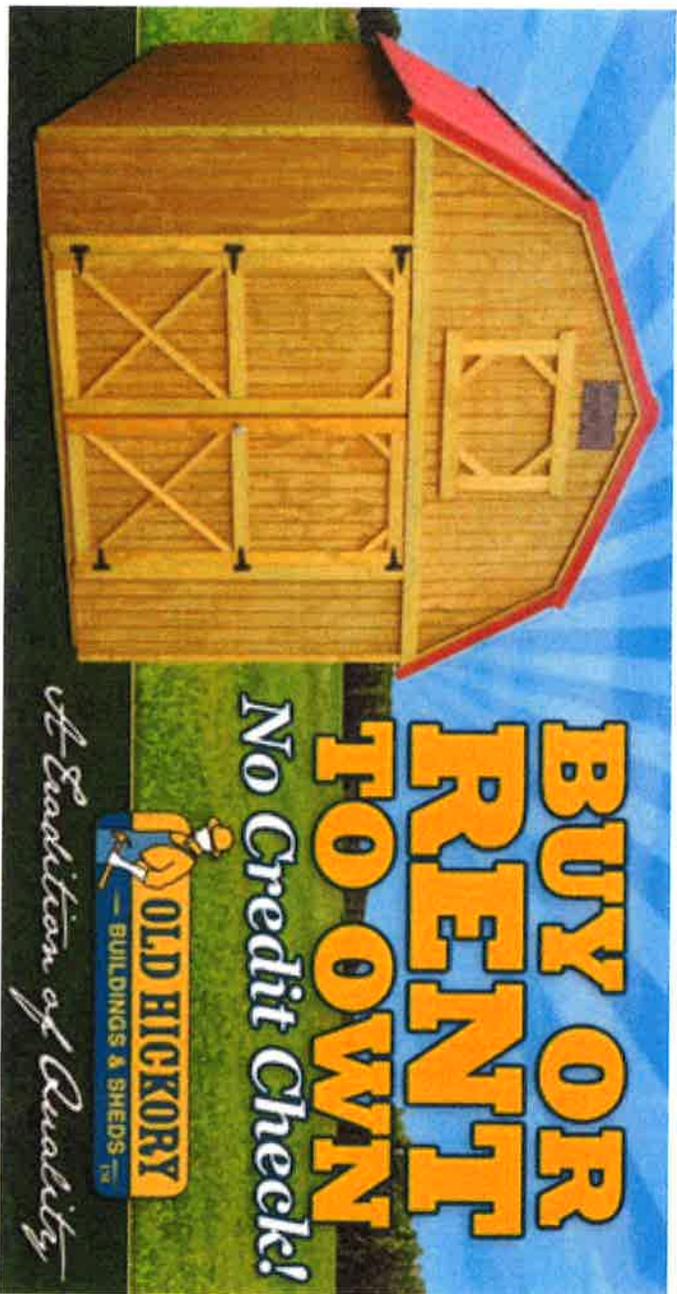
380 S Humboldt Ave
Willows, Ca 95988



01/21/2017

R&R BARNES is planning on displaying and selling Old Hickory portable storage buildings that are manufactured at California Barns plant at county Road 27. Hours of operation will be Monday through Saturday 8AM to 5PM with some seasonal variations. This lot will be attended by (1) full time employee during the open hours each day.

Signed: Randal Jones Date: 1/25/17



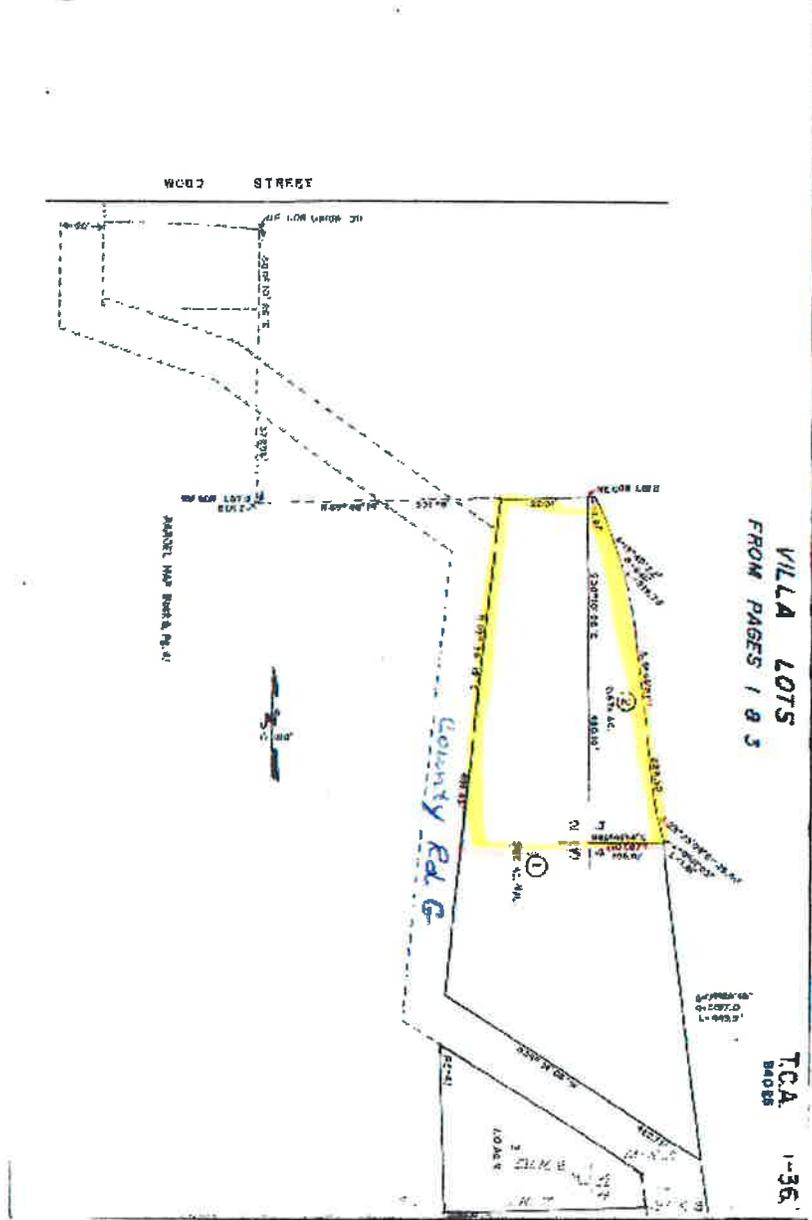
**BUY OR
RENT
TO OWN**
No Credit Check!

OLD HICKORY
— BUILDINGS & SHEDS —

A Tradition of Quality

RECEIVED
JAN 25 2017
City of Willows

APN Map



Planning Commission Agenda Report:**February 15, 2017**

Project: Minor Subdivision (File# MS-13-01) application to subdivide 8.72 acres into four parcels and a Conditional Use Permit (File # UP-16-08) request to allow additional height of pylon sign & consider Master Sign Program and Consideration of Adoption of a Mitigated Negative Declaration (*aka Gateway Center project*)

Applicant/Owner: FA Investments, LLC/same

Project Location: 8.72 Acres; Intersection of S. Tehama Street at Cty. Rd 57, Willows

Parcel No: 017-170-033

Zoning: Highway Commercial (CH)

General Plan: Highway Commercial

Parcel History:

In 2007 the subject parcel was part of a minor subdivision that carved out an 8.72+/- acre parcel with a remainder parcel of 73.122+/- acres, from an 81.84 acre site. This tentative map was approved by the Planning Commission on December 12, 2007, with Final Map approval from the City Council on December 9, 2008.

Project Description

The applicant, Ron Kahn of F.A. Investments, LLC, submitted a Subdivision Tentative Map application in October 2013 to subdivide the 8.72-acre vacant parcel (APN: 017-170-033) into four parcels, for future commercial development, and a Use Permit application to request additional height of a pylon pole sign, additional signage for two uses, and use of pole sign for off premises use.

Tentative Map Project Components

The proposed development will include Lot 1 (2.78 acres) proposed to be developed into a 50,000 square foot/ three-story 120 room hotel, Lot 2 (2.05 acres) proposed to be developed into a 2,500 square foot fast food restaurant with a drive through, Lot 3 (0.98 acres) proposed to be developed into a 4,000 square foot sit down restaurant, and Lot 4 (1.98 acres) proposed to be developed into an automobile service station with 13 fueling positions and a mini-mart.

Access to all four lots will be off of South Tehama Street. 550 feet of new private roadway (Willows Gateway Boulevard) will be constructed which would connect to South Tehama Street, as well as new sidewalk along the property frontage of South Tehama. A separate easement (0.06 acre) for a pylon sign is proposed and will be adjacent to the hotel parcel. The project proposes to construct a new bridge at the South Tehama property frontage, which would cross the drainage ditch that runs along the property's east boundary.

Project Location and Surrounding Uses

The project site is located northwesterly of the intersection of County Road 57 and County Road 99W (Tehama Street) in the City of Willows, Glenn County, approximately 1 mile south of downtown Willows. The site is bounded to the north by existing agricultural rice fields; to the east by S. Tehama Street 99W; to the south by an existing drainage canal; beyond which is County Road 57, and to the west by an existing drainage canal beyond which is Interstate 5. The project site currently consists mostly of a

former rice field. The property is relatively flat, previously used for rice production. Rice was grown on the site in 2013. The project site and surrounding area has been used for irrigated agriculture for many decades and has a high level of disturbance. The project area is not subject to a Williamson Act contract.



The intermittent channel has been straightened to align with the I-5 onramp. Dirt farm roads serve the interior of the project site area.

Review Process:

This matter is before the Planning Commission pursuant to Section Chapter 17.55.130 of the City of Willows Municipal Code which states that the Planning Commission shall consider each tentative map and accompany statements to determine whether the map is in conformity with the provisions of applicable subdivision regulations, with the adopted General Plan and Zoning, and with good planning and engineering practice. The section further states the Planning Commission shall consider also such measures as will promote and protect the public health, safety, comfort, and other assets and conditions making for excellence of residential, commercial,

industrial, recreational, and other developments.

Section 17.55.140 states the Planning Commission shall either approve, conditionally approve, or disapprove the tentative map. The Commission's action is then reported in writing to the City Council and the applicant. Within 15 days of receipt of the Planning Commission action, the subdivider may appeal such action per Chapter 17.35 WMC. Action on a tentative map by the Planning Commission is final unless modified by the City Council acting as an appeal board.

The Planning Commission has review and approval authority for the Use Permit application, with rights of appeal to the City Council.

Zoning/General Plan:

The vacant project site is designated Highway Commercial (CH) in the City's General Plan. The parcel is similarly zoned CH, Highway Commercial. Zoning to the south is CH, east is zoned Heavy Industrial, north is CG/ML (General Commercial/Light Manufacturing), and Interstate 5 is to the west. The proposed uses are consistent with the zoning per Sections 18.65.020 (1), (2), (3) & (4).

The surrounding land uses are agriculture uses to the north, commercial uses (a truck stop/gas station/convenience store) to the south across County Road 57; Railroad tracks, City Waste Water Treatment Plant and Fertilizer Plant to the east; and a drainage ditch and Interstate 5 to the west.

The project was reviewed internally by the City & County departments, local and state agencies for comments/conditions which proposed conditions are reflected in the attached conditions of approval and within the attached Mitigation Measures.

Environmental Review and Analysis

The project is subject to environmental review under the provisions of the California Environmental Quality Act (CEAQ) for significant environmental impacts to the environment. Staff has prepared an Initial Study and circulated it for 30 days for public review from January 13, 2017 to February 11, 2017. Based upon this document, a Mitigated Negative Declaration and is proposed for adoption. A copy of the project Initial Study is available on the City's website, the Library, and front counter for review.

The City received responses from the 30 day public review from the Department of Transportation/Division of Aeronautics, and the Native American Heritage Commission. Copies of these letters and the City's response are attached to this report.

****Summary of Initial Study components requiring Mitigation Measures****

Eight environmental factors would be less than significantly affected by this project with mitigation measures to ensure this.

AIR QUALITY & GREENHOUSE GASES

The project site lies within the Glenn County portion of the Northern Sacramento Valley Air Basin (NSVAB), which is within the jurisdiction of the Glenn County Air Pollution Control District (GCAPCD). The GCAPCD has reviewed the proposed project and provided two emails to the City indicating that, based on a review of the project plans, mitigation and/or permitting from the Air Pollution Control District is required. The GCAPCD is in compliance with the AQAP and no AQAP policies apply directly to the proposed project. The proposed project is consistent with the General Plan designation and zoning for the site and would not conflict with or obstruct the implementation of the AQAP.

The California Emissions Estimator Model® (CalEEMod) v. 2016.3.1 (Excel-based computer model) was used to evaluate the project's emissions. Construction and operation of the proposed project would generate particulate matter. The primary source of air pollutants during project operation would be uncaptured emissions from the 13 gas pumps/fueling stations and from tailpipe emissions from vehicles traveling to and from the site. However there are no sensitive receptors (schools, residences, hospitals, etc) adjacent to or near the project site, and the project does not involve sensitive uses.

Greenhouse Gases/Climate Change

"Greenhouse gases" (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as "global warming." These greenhouse gases contribute to an increase in the temperature of the earth's atmosphere by transparency to short wavelength visible sunlight, but near opacity to outgoing terrestrial long wavelength heat radiation. The principal greenhouse gases (GHGs) include carbon dioxide (CO₂), methane, and nitrous oxide. Collectively, GHGs are measured as carbon dioxide equivalents (CO₂e).

Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of GHG emissions globally. Industrial and commercial sources are the second largest contributors of GHG emissions with about one-fourth of total emissions.

California has passed several bills and the Governor has signed seven executive orders (EOs) regarding greenhouse gases. Of these, AB 32, the California Global Warming Solutions Act of 2006, mandates that California's GHG emissions be reduced to 1990 levels by 2020, and tasks the California Air Resources Board (CARB) with regulating GHG emissions as well as coordinating with other state agencies to implement AB 32's reduction goals.

As noted above, the largest sources of emissions, including GHG emissions (primarily methane and CO₂), attributable to the proposed project are the proposed fueling stations and vehicle trips. The proposed development would generate additional GHGs directly from construction equipment (short-term), electricity use, natural gas combustion, maintenance equipment, and indirectly from water delivery and wastewater transport.

New gasoline stations are subject to stringent air-pollution control requirements that are periodically updated by the California Air Resources Board¹ and implemented by the Glenn County APCD. These regulations must be compliant with AB 32 goals. Accordingly, provided that the project can obtain operating permits from the GCAQMD, the project will in turn comply with AB 32. Mitigation Measure AQ-1 requires that the project proponent obtain such permits prior to construction, and to comply with permit conditions. With this mitigation, remaining impacts associated with GHG emissions and the project's contribution to global climate change are anticipated to be less than significant

Mitigation Measures

1. Prior to obtaining building permits for the automotive/truck fueling stations, the applicant shall obtain Air Pollution and CUPA permits. Fueling stations (gasoline dispensing systems) shall meet or exceed all Federal, State and Local requirements. Permit conditions may include but are not limited to the following:
 - a) Limit the number of fueling stations to maintain peak winter NOx emissions at less than 137 lbs/day.
 - b) Limit the hours of station operation to reduce peak winter NOx emissions.
 - c) Use the most-advanced models of California Air Resources Board-certified vapor-recovery systems.
 - d) Permit conditions are subject to the discretion of the Glenn County AQMD.
2. During construction, all unpaved roads and ground surfaces must be watered to the point that Particulate Matter emissions are prevented from leaving the property boundary. All vehicle traffic on unpaved surfaces shall be limited to 15 mph. Grading activities shall be suspended whenever winds are sustained at or above 15 mph.

Biological Resources

This discussion relies on and incorporates the Biological Resources Evaluation (BRE) and Jurisdictional Delineation Report (JDR) prepared for the project, including field research performed in November 2006 and July 2014. Both reports were updated in 2016.

The BRE comprehensively describes the study methods, background research and the affected species and the potential habitat present in the project study area (PSA).

The JDR identifies wetland features on the site that meet criteria for "Waters of the United States" under Section 404 of the federal Clean Water Act and implementing regulations.

The project site is located in an agricultural area south of the urban portion of the City of Willows, within the City boundary.

The proposed project could affect several listed animal, bird and plant species, their movement and their habitats, including the federal- and state-threatened giant garter snake (GSS), nesting birds protected by federal and state law, tricolored blackbird (TB), burrowing owl (BO), and woolly rose-mallow (WRM), because potential habitat exists in both the irrigated wetland and the intermittent channel.² The proposed project would remove or encroach upon much of that habitat. Although none of these species was observed during site visits and during follow-up plant identification, habitat reduction would incrementally affect these species' capability to survive in the project area, and to move through the project site.

The project site contains approximately 0.64 acre of GGS aquatic habitat in the intermittent channel and the irrigated wetland and 1.13 acres of upland GSS habitat (along the banks above the channel and

¹ See California Environmental Protection Agency, Air Resources Board, *Fuels Program*, available at <https://www.arb.ca.gov/fuels/fuels.htm> (accessed December 9, 2016).

² *Id.*, pp. 9-21.

wetland). Marginal TB and BO nesting habitat exists along the channel and wetland. Potential habitat for the WRM lies in the intermittent channel.

Project Impacts: The BRE notes that the proposed project would result in the permanent loss of approximately 1.13 acres of upland habitat, including GSS habitat and bird-nesting opportunities. Construction associated with underground utilities and storm drain outfalls would result in temporary or permanent impacts to aquatic habitat, although total impacts to aquatic habitat are likely to be less than 0.10 acre.

The JDR performed for the project concludes that the proposed project would affect approximately 0.41 acre of Waters of the United States (WOUS), consisting wholly of the intermittent channel and the box culvert under Road 57 (see JDR, Figure 4, p. 17). The channel can be characterized as a WOUS subject to the Clean Water Act and the jurisdiction of the U.S. Army Corps of Engineers, because it is a “Relatively Permanent Water” that flows indirectly into the Sacramento River, a “Traditionally Navigable Water.” In contrast, although it provides habitat value, the “irrigated wetland” is not considered a WOUS because it is supported primarily by irrigation runoff from rice fields and does not meet the formal definition of a wetland.³ Nonetheless, since jurisdictional waters are present on the project site, the project applicant would be required to apply for a Regulatory Permit from the Corps, which in turn would require mitigation measures or compensatory mitigation upon review of the project’s JDR and this Initial Study. Mitigation Measure below requires the applicant to obtain and comply with a Corps permit prior to site grading, and to demonstrate compliance with that permit to the City. With such compliance, it is reasonable to conclude that remaining impacts on WOUS would be less than significant.

Mitigation Measures

3. Giant Garter Snake Mitigation:

- a) A Worker Environmental Awareness Training Program for construction personnel shall be conducted by a California Department of Fish and Wildlife-approved biologist for all construction workers, including contractors and sub-contractors, before each phase of construction. The project applicant shall inform the City in writing (paper, email, etc.) that such training has occurred.
- b) Twenty-four-hours prior to beginning site preparation, grading and construction activities, the project area shall be surveyed for giant garter snakes by a CDFW-approved biologist. The biologist shall provide the City and CDFW a written report that documents the monitoring efforts within 24 hours before construction activities. The project area shall be re-inspected by the monitoring biologist whenever a lapse in construction activity of two weeks or more has occurred.
- c) Snake exclusionary fencing, such as a silt fence buried at least six inches below the ground, shall be installed along the northern and western project boundary before site preparation, grading and construction. A CDF&W-approved biologist shall verify that this fencing is in place and has been installed properly.
- d) Stockpiling of construction materials, portable equipment, vehicles, and supplies shall be restricted to the designated construction staging areas. All operations shall be confined to the minimal area necessary.
- e) Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on existing paved roads where they shall comply with posted speed limits.
- f) Best Management Practices (BMPs) and a Storm Water Pollution Prevention Plan (SWPPP) pursuant to current regulations shall be implemented to minimize the potential for erosion and sedimentation into nearby water bodies.

³ Sycamore Environmental Consultants, Inc., JDR, pp. 8-9, 20.

- g) As directed by the California Department of Fish and Wildlife, prior to site preparation, the project proponent shall apply for an Incidental Take Permit, and comply with any permit conditions imposed in addition to the mitigation measures above.

4. Wetlands/Intermittent Channel/GSS Habitat Loss Mitigation

- a) The project proponent shall purchase USFWS- and CDFW-approved GGS mitigation credits, or deposit in-lieu fees into the Giant Garter Snake Conservation Fund as approved by the USFWS. Credits purchased shall be at an acreage ratio of at least 1:1.
- b) Prior to site preparation, the project proponent shall seek and obtain the appropriate CWA Section 404 permit from the U.S. Army Corps of Engineers, and implement mitigation measures as directed by that permit.

5. Nesting Birds, Tri-colored Blackbird and Burrowing Owl Mitigation

- a) Vegetation scheduled for removal shall be removed during the non-nesting season from 2 September to 14 February. Trees may be trimmed several inches above the ground with the roots left intact to prevent erosion.
- b) If construction begins outside the 15 February to 1 September nesting season, there will be no need to conduct a preconstruction survey for active nests.
- c) If construction or vegetation removal begins between 15 February and 1 September, a CDFW-approved biologist shall conduct a survey for active bird of prey nests within 500 feet and other active nests within 100 feet of the PSA from publicly accessible areas within 14 days prior to construction. The measures listed below shall be implemented based on the survey results. The preconstruction survey for nesting birds shall comply with the guidance for "Take Avoidance Surveys" described by the CDFW (2012) Staff Report on Burrowing Owl Mitigation.
- d) If no active nests or burrows are found:
 - i. If no active nest of a bird of prey, MBTA bird, or other CDFW-protected bird is found, then no further avoidance and minimization measures are required.
- e) If active nests or burrows are found:
 - i. A 500-foot Environmentally Sensitive Area (ESA) shall be established around any active bird of prey nest. A 100-foot Environmentally Sensitive Area (ESA) shall be established around an active nest of other protected birds.
 - i. No construction activity shall take place in the ESA until the CDFW-approved biologist determines that the nest is no longer active.

The ESA may be reduced upon approval of the City and CDFW. Effective avoidance of impacts to active nests depends on the species of bird, the location of the nest relative to the project, project activities during the time the nest is active, and other project-specific circumstances.

Cultural Resources

The project site is located in an agricultural environment that is transitioning from agricultural uses to highway-serving commercial uses, consistent with its General plan and zoning designations (Highway Commercial). The most recent use of the project site has been for rice farming where such activities have disturbed the project surface and soils to varying depths. The project site itself is vacant and no identified historical resources exist on the site. No recorded prehistoric or historic sites have been identified on the subject property or in the project area. The project site contains no known archeological resources, paleontological resources, or unique geologic sites. No human remains are likely to be encountered, as the project site has not been known to be used as a burial ground. Nevertheless, Section 7050.5 of the

California Health and Safety Code outlines procedures to be followed in the event that any human remains are found. As such, compliance with existing regulatory requirements, upon the discovery of buried remains or artifacts, would result in a less than significant impact.

It is noted that unknown resources could be uncovered during construction activities. The following standard mitigation measure has been included to ensure that, should any unknown resources be uncovered during construction, impacts will be less than significant.

Mitigation Measures:

6. In the event that archaeological remains or artifacts are uncovered during construction activities, work shall be stopped and a qualified archaeologist shall survey the site. The archaeologist shall submit a report with recommendations on the disposition of the site. Disposition may include, but is not limited to, excavation and documentation, capping the site, or leaving the site in an open space area. The recommendations of the archaeologist shall be incorporated in the project.

Geology & Soils

The following discussion is based on information provided in a Preliminary Geotechnical Engineering Report prepared for the project by Wallace Kuhl and Associates, April 3, 2014.

The property is relatively flat with an average surface elevation of about +120 feet relative to mean sea level (msl) based on review of the United States Geological Survey 7.5 Minute Topographic Map of the Logandale Quadrangle, California (1973). There are no known landslides at the site, nor is the site in the path of any known or potential landslides.

There are no known active faults located on the project site, the potential for fault rupture on the site is low.

Soil borings taken on the site by Wallace Kuhl and Associates revealed the site surface and subsurface soils generally consisted of expansive silty clays underlain by clayey and sandy silts.

The project site is located in a high ground water area.

Based on the findings of the geotechnical investigation, development of the proposed project is feasible from a geotechnical standpoint provided the recommendations contained in the geotechnical investigation are incorporated into the project plans and specification. Therefore, compliance with the California Building Code and the City of Willows Municipal Code, and the incorporation of the geotechnical report recommendations would ensure that the proposed project would have adequate structural protection from potential impacts associated with an unstable geologic unit or soils.

Mitigation Measures:

7. The proposed development shall be designed and constructed in accordance with the most current applicable Building Codes, including the Uniform Building Code (UBC) and the California Building Code (CBC) as determined by the Building Division of the City of Willows.
8. Improvement plans shall be prepared by a California Registered Civil Engineer for the construction of all necessary and required on-site and off-site improvements including grading, water (coordinated with Cal Water), sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, on-site lighting, streetlights and erosion control measures. All design and construction shall conform to the City of Willows Design and Construction Standards, as applicable.
9. Prior to final design and the commencement of site grading, a detailed geotechnical investigation of this property shall be conducted that includes additional test borings of test pits with soil sampling, laboratory testing, and additional engineering evaluation. The final report shall present geotechnical

engineering conclusions and specific recommendations regarding site preparation, dewatering methods, foundation alternates, floor support, site drainage and pavement design.

10. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity. Additionally, if field conditions warrant installation of any sub-drains, the location, size and construction details must be provided to the City for review and approval prior to construction.
11. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her geotechnical engineer certifying that they observed the work and reviewed testing results, and that all of work was performed in accordance with the recommendations included in the Soils Investigation/Geotechnical Report or other recommendations necessitated by field conditions.

Hazards and Hazardous Materials

The project may involve the limited transport of hazardous materials such as oil and transmission fluid, and gasoline and diesel fuel deliveries, but such transport would be conducted in accordance with all applicable regulations regarding the transport of such substances which are designed to ensure that transport-related impacts are less than significant. The proposed project would not be located on or near a hazardous materials site, based on a review of the California Department of Toxic Substances Control (DTSC) Calsites Database and Cortese List.

However, directly east of the proposed project across Tehama Street is Wilbur-Ellis Company d.b.a. Glenn Fertilizer that handles and stores large amounts of various pesticides and fertilizers (hazardous materials) including a large amount of both anhydrous ammonia and ammonium hydroxide solution (aqua ammonia). The anhydrous ammonia and aqua ammonia are listed as Federally Regulated Extremely Hazardous Substances. Glenn Fertilizer is required and has prepared a Risk Management Plan (RMP), which addresses the offsite consequences of several possible release scenarios of these materials. The City of Willows Fire Department routinely conducts emergency drills at the site, and, most recently in 2016.

The proposed project is within the range for both the worst-case release scenarios and the alternate release scenarios described in the RMP. In the event of a spill or leak, the project would be exposed and could be required to evacuate commercial business and hotel patrons given the proximity of this project to Glenn Fertilizer. The provision of one single access point in and out of the project could also be an issue. Consequently, a mitigation measure has been added to address this issue.

The project site is located approximately 1.25 miles southeast of the Willows Glenn County Airport, a public use airport. The site is not located in either the Clear Zone or the Approach Safety Zone of the airport. The Aeronautics Division of Cal Trans commented that the FAA will have to be contacted prior to final project design in order to identify any permanent or temporary construction related impacts regarding installation of the pylon sign. The project would not interfere with an adopted emergency response or evacuation plan, as roads in the area would remain open. Nothing in the public record would indicate a significant wildfire hazard exists on the site.

Mitigation Measures:

12. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Glenn County Environmental Health Department, the Fire

Department, the Police Department, and the City Building Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.

13. The project applicant shall prepare an evacuation plan for patrons and employees of the proposed commercial development for review and approval by the City Planning Department, the Fire Department and the Police Department. Said plan shall include a description and methods of safely evacuating the hotel/restaurant/service station uses on the project site in the event of a release of a hazardous material spill, leak or other release from the Glenn Fertilizer plant. Evacuation routes and instructions shall be prominently posted in hotel rooms, the proposed restaurants and service station facilities. The final project design shall provide sufficient access/egress to accommodate this evacuation plan, subject to approval by the City Planning, Police and Fire Departments. Such access/egress may include multiple points of access, additional driveways, wide driveway aisles, limitation of landscaping obstructions, etc.

Hydrology and Water Quality

The project site is relatively flat and located within a working agricultural setting. An agricultural canal traverses the project boundary on the south and southwest, and an irrigation/drainage ditch runs along the site's east boundary. Note that the project site contains wetlands and intermittent channels, subject to federal and state regulations; see the Biological Resources section of the Initial Study.

Construction of the project would require earthwork activities, including limited excavation and grading of the site, and placement of engineered fill to counteract the site's expansive soil characteristics. Since the project would disturb more than one acre, NPDES permit requirements would apply.

The proposed project is not anticipated to deplete groundwater supplies substantially, nor to interfere with groundwater recharge; the project is not dependent upon groundwater obtained by drilling a new well on the site. The local water utility, CalWater, has stated that it presently has sufficient capacity to serve the project, but that funds may be required at a future date to develop additional water supplies.

For the proposed project, site-generated surface water runoff would continue to flow into the City's storm drain system. However, the City requires that post-development off-site flows do not exceed pre-development flows.

BMPs implemented during construction and operation of the project as detailed in a SWPPP would ensure that construction and operation of the proposed project would not substantially degrade water quality.

Thus, impacts to water quality or groundwater supplies during project operation would be less than significant through compliance with applicable regulatory requirements and application of Mitigation Measures.

The site is outside a designated Federal Emergency Management Agency (FEMA) Flood Zone.

Mitigation Measures:

14. The developer shall submit to the City a Storm Water Pollution Prevention Plan (SWPPP) for the project.
15. Before any construction activity that would result in a land disturbance of one acre or larger, the developer shall provide evidence that a Notice of Intent (NOI) has been submitted and received by the Regional Water Quality Control Board for a General Construction Activity Storm Water Permit. A copy of the project Storm Water Pollution Protection Plan (SWPP) shall be submitted to the City.
16. Improvements plans shall include the SWPP described above, in conformance with State and local standards.
17. Grading and site improvements shall be such that storm water runoff is not directed onto any of the adjacent parcels.
18. The developer shall keep adjoining streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.

19. All project-related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed in accordance with the Design Criteria utilizing the Rational Method and any applicable adopted City drainage plans.
20. The applicant shall submit for review and approval, drainage plans and hydraulic calculations prepared by a Registered Civil Engineer. The drainage plans and calculations shall indicate the following conditions before and after development:
 - a) Quantities of water
 - b) Water flow rates
 - c) Major water courses
 - d) Drainage areas and patterns
 - e) Diversions
 - f) Collection systems
 - g) Flood hazard areas
 - h) Sumps and drainage courses

Hydrology calculations and design shall be per current City standards.

21. Post-development off-site flows shall not exceed pre-development flows. Any needed detention facilities shall be included on the improvement plans. Hydrology calculations shall be included with the first submittal of improvement plans, showing the needed storage and sizing of the detention basin(s), routing hydrographs into and out of the basin(s). All detention facilities shall be privately owned and maintained.
22. Any work within the existing drainage courses (intermittent channel, irrigated wetland) may require Streambed Alteration Permits from the California Department of Fish and Wildlife and/or permits from other agencies (e.g. Caltrans, Regional Water Quality Control Board, U.S. Army Corps of Engineers, etc.). If permits are needed, said permits shall be obtained prior to sign-off of the improvement plans, to ensure that improvement plans comply with any required mitigation measures or permit conditions.
23. Facilities for the proposed bridge over the drainage ditch along the Tehama frontage of the property shall be sized such that the 100-year storm will be able to pass under the bridge. All on-site storm drain facilities shall be sized to carry a 10-year storm and 100-year storm overland flows shall be provided for on the improvement plans. If the 100-year overland relief is not in the street, flood easements shall be dedicated on the final map. Said overland easements shall be clear of structures and landscaping (parking lots may be used).
24. No net increase in discharge shall be directed to State right-of-way. Any work performed within or from State right-of-way will require an encroachment permit. Conveyance facilities within the State's right-of-way shall not have their capacity reduced as a consequence of development, resulting in run-off encroachment into the traveled way.
25. Improvement plans shall take into account intercepting any storm water from adjacent properties that historically have been flowing across the project site, and getting any intercepted flows into and approved storm drain system.
26. If development is to occur west and north of the subject property, an analysis shall be completed indicating the ultimate development and needed pipe sizing to accommodate ultimate flows. The on-site storm drain system for this project shall be sized adequately to handle the ultimate flows of the build-out of the adjacent property.
27. All grading and/or drainage improvements must perpetuate, maintain or improve existing drainage pathways, both within and outside of the State's highway right-of-way, and may not result in adverse hydrologic or hydraulic conditions within the State's highway right-of-way or to Caltrans' drainage facilities.
28. Runoff from the proposed project that may enter the State's highway right-of-way and/or Caltrans' drainage facilities must meet all Central Valley Regional Water Quality Control Board water quality standards prior to entering the State's highway right-of-way or Caltrans' drainage facilities.

Appropriate storm water quality BMPs (i.e. oil/water separators, clarifiers, infiltration systems, etc.) may be applied to ensure that runoff from the site meets these standards (i.e. is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems.

Public Services

The subject project lies within the service area of the City of Willows Fire Department. The Willows Fire Department has reviewed the tentative map for conformity with State Law regarding fire hydrants, vehicular access, fire alarm annunciation, and fire sprinklers. In keeping with standard practice, the proposed project will be required to comply with the conditions set forth by the Willows Fire Department which are aimed at ensuring that fire protection impacts are less than significant.

Mitigation Measures:

29. The proposed project shall demonstrate compliance with Fire Department Conditions, prior to issuance of the Occupancy Permit for the project.

Transportation and Traffic

A Traffic Impact Study was prepared for the project by the applicant’s traffic engineer, Traffic Works. According to the Traffic Impact Study (TIS) prepared for the project, the project is estimated to generate 5,912 total trips per day (442 AM peak hour trips and 468 peak hour trips) including pass-by and diverted trips.

The project will have a single access point that intersects with Tehama Street approximately 700 feet north of County Road 57. The project driveway will be STOP controlled with no controls on Tehama Street. The applicant’s traffic engineer is recommending the provision of a northbound left-turn pocket on Tehama Street in order to avoid northbound through vehicles being blocked by northbound left turning vehicles and to provide for safe turning movements. In addition, and according to County requirements, a 50-foot taper is required for vehicles turning right into and out of the driveway to facilitate safe ingress and egress for autos accessing the site via Willows Gateway Boulevard.

Data presented in the tables’ shows that the trips generated by Willows Gateway Center will not have any significant impacts requiring mitigation at any of the study intersections for both current and future years. The study intersections will continue to operate within acceptable levels of service (LOS “C” or better) with the addition of project traffic. No intersection improvements are needed in the near term.

The traffic engineer notes in the TIA report that, although this specific project does not create significant impacts from a traffic volume standpoint, it remains important to take into consideration the cumulative effects of future planned projects on the study intersections, especially at the Tehama Street/County Road 57 intersection. Future signalization of this intersection or, alternatively, the construction of a roundabout at this location would provide operational benefits in future years.

Based on the City’s Municipal Code, 204 parking stalls are required to serve project operations. The proposed project includes 300 stalls. Project parking capacity is anticipated to be adequate.

Mitigation Measures:

30. The applicant shall construct the proposed project access intersection in accordance with City of Willows and Glenn County design standards. The driveway approach shall be STOP controlled and shall meet AASHTO intersection sight-distance requirements.
31. The project access intersection shall have exclusive left-turn and exclusive right-turn lanes approaching Tehama Street.
32. A northbound left-turn pocket with at least 100 feet of storage pocket length shall be provided on Tehama Street to provide safe turning movements on this road.

33. Traffic signal timing shall be revised in the future to optimize traffic flow with changing traffic patterns.
34. Right-of-way shall be reserved at the County Road 57/Tehama Street intersection to accommodate a single lane roundabout in the long-range horizon.
35. Willows Gateway Blvd. shall be 48-foot curb to curb width and shall include an additional 10 feet from face of curb to right-of-way on both sides of the street, with 5-foot sidewalks provided. If landscaping is proposed to be located in the area between the sidewalk and the curb, there shall be a minimum of 5-feet in width provided for the landscaping. Any trees planted between the sidewalk and the curb should be installed with root barriers. The structural section of the road shall be designed to support a minimum Traffic Index of 7.0. The road shall be striped to include centerline striping, stop signs, stop bars and other striping that may be required on the improvement plans. Adequate turn around areas shall be provided at the westerly terminus, as well as barricades and signage. The turn-around area shall be sufficient to allow truck-turning movements. This shall be demonstrated through the use of truck templates to establish required radii. Left turn and right turn pockets shall be provided at the intersection with Tehama Street. Necessary red curbing and/or No Parking signs shall be posted as necessary and as directed on the improvement plans.
36. The bridge for Willows Gateway Blvd. spanning the existing drainage channel shall be of similar design as the bridge proposed in the Willows Commercial project to the north. Adequate guardrails shall be included with the design to protect vehicles from the drop off at the channel crossing.
37. Tehama Street shall be fully improved to include road widening along the entire length of the frontage of the development that shall include curb, gutter and a 5-foot sidewalk per City Standards; road widening to include 12-foot wide through lanes in both directions; a minimum of 8 feet of paved shoulder width in both directions (for the southbound direction, the 8 foot shoulder shall abut the curb and gutter); 12-foot wide acceleration and deceleration lanes in the southbound direction; a 12- foot center left turn lane (minimum storage pocket length of 100-feet) in the northbound direction with appropriate tapers per Caltrans; and adequate widening north of the proposed intersection to shadow the northbound left turn pocket with tapers meeting Caltrans requirements. All design shall be per the City's Design and Construction Standards and Caltrans standards. Guardrails shall be provided behind the back of the sidewalk.
38. Sidewalk barricades shall be provided at the westerly terminus of the proposed private road and at the north end of the sidewalk to be constructed along Tehama Street. Barricades shall be per City Standards.
39. Improvements to the northwest corner of the intersection of County Road 57 and Tehama Street shall be made to include pedestrian ramps, guardrail (to protect vehicles from the drop off into the channel) and necessary signage as may be required. Southbound Tehama Street shall be widened to provide a dedicated right-turn lane and a thru/left turn lane.

Tribal Cultural Resources

After preparing and circulating the MND for public review on January 13, 2017, the City learned that the Resources Agency has finalized the CEQA Guidelines Appendix G checklist pursuant to AB 52, and now

includes Section XVII, Tribal Cultural Resources. In order to respond to AB 52 Compliance, the MND was added the following language and mitigation measure that was posted on the City’s website and provided in print at the City’s public counter, the County Clerks’ office, and at the City Library in order to provide the information to the public.

After publication of this Draft Mitigated Declaration (MND), the City learned that the Guidelines of the California Environmental Quality Act (CEQA), Appendix G, were revised and adopted in September 2016. The revised Guidelines require lead agencies to address Tribal Cultural Resources as a subject separate from “Cultural Resources,” which include historical, archeological, and paleontological resources. Accordingly, the following language and analysis are hereby added to the MND:

15(b). Tribal Cultural Resources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>				
<p>a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion: No Native American tribes traditionally or culturally affiliated with the project area or with the City in general have to date requested notification about projects subject to the California Environmental Quality Act pursuant to AB 52 requirements. As noted in the Project Description, the project site has been used for rice farming since at least 1952, and has a high level of disturbance. No recorded prehistoric or historic sites have been identified on the subject property or in the project area. The project site contains no known archeological resources, paleontological resources, or unique geologic sites. No human remains are likely to be encountered, as the project site has not been known to be used as a burial ground. Nonetheless, the possibility of encountering undiscovered California Native American resources remains during site preparation. Mitigation Measure 40 below supplements Cultural Resources Mitigation Measure 6 and incorporates CEQA Guidelines § 15064.5(e) and (f) requiring specific actions to be taken in the event human remains or other potential tribal resources are discovered. With this mitigation, remaining impacts to tribal resources are anticipated to be less than significant. (a, b).

40. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

a. The coroner of Glenn County is contacted to determine that no investigation of the cause of death is required, and

b. If the coroner determines the remains to be Native American:

i. The corner shall contact the Native American Heritage Commission within 24 hours.

ii. The Native American Heritage Commission shall identify the person or persons believed to be the most likely descendant of the deceased Native American.

iii. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code § 5097.98, or

(2) Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance, unless:

i. The Native American Heritage Commission is unable to identify the most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the Commission.

ii. The descendant identified fails to make a recommendation; or

iii. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Findings

Subdivision-Tentative Map

The Planning Commission may approve the proposed Minor Subdivision Tentative Map with the following findings:

- A. That the project is consistent with the City of Willows General Plan and Zoning Ordinance
- B. That the parcel is physically suitable for the type of use proposed
- C. That the proposed use of the parcel will not cause substantial environmental damage or substantially injure wildlife or their habitat.
- D. That the approval of the proposed Tentative Map will not cause serious public health problems.

E. That the project is consistent with the State Subdivision Map Act

Use Permit Discussion:

The applicant has submitted a Use Permit application request to deviate from the development standards for pylon signs and allow additional height of a pylon pole sign for the Center. The multi-tenant pylon sign (via an easement) will be located immediately adjacent to the site of the proposed hotel. The proposed pylon sign would be 88-feet tall and 25-feet wide and proposes to use advertising space for both commercial uses proposed within the Gateway Center project, and for an off-site use. The maximum sign height for this zone is 80 feet high. Section 18.125.120(3) allows for additional sign height with approval from the Commission. Freeway pole mounted signs have two requirements to satisfy: (a) that the freeway oriented business(es) provide a service primarily for the freeway-motoring public similar to those providing gas, food or lodging and shall be a minimum of 800 feet from the center line of the freeway at its closest point. (The project site is approximately 560 feet from the centerline of the Interstate); and (b) all pole signs shall be placed at least 10 feet above the public sidewalk over which it is erected, and any sign less than 14 feet above the public sidewalk shall not extend nearer the curb face than 18 inches. (The proposed location of the pylon sign is along the north-western side of the property adjacent to Lot 1/Hotel, via an easement). The FAA has commented that they will need to be involved in the approval of the pole sign. A Use Permit application has been applied for to allow additional pylon pole sign height.

The proposed double pole pylon sign elevation indicates advertising for several businesses, including one that is not located on the property and out of the city limits. Table 18.125.150-A (Commercial Districts) states that pole signs are allowed a total of 200 square feet double sided advertising area for a business. This pole sign is proposing to allow the gas station a total of 275 SF; the motel a total of 275 SF, the restaurant a total of 112 SF, and the sit down restaurant a total of 112 SF. The Commission in their review of the project will need to determine that the overage of pole signage for the two uses (gas station & hotel) is acceptable for the development, as requested by the applicant under the Use Permit application.

The applicant submitted a draft sign program for the Center for staff's review, which review concluded that the program was too vague on several aspects as design of the buildings has not taken place. Staff has determined that the Commission's review should center on the approval of the additional height of the pole sign (*eight feet higher than what code allows*) and on the allowance of additional pole signage for the two uses (gas station and motel) which would equate to allowing an additional 75 SF on the pole sign for each of the two uses. Staff suggests the applicant apply at a later date for a Master Sign Program when design has been complete for the proposed uses, which would incorporate all building signage, and any monument sign proposed at the entrance of the Center. Signage for each of the four uses will be determined by the lineal building frontage as allowed by the Comprehensive Sign Code.

In regards to allowing signage to advertise a use not located on any of the new parcels or in the city limits, Section 18.125.150 (Commercial Districts) states that "Signs not applicable to the permitted uses of the property may be permitted upon securing a use permit from the Planning Commission." The applicant as part of his Use Permit application is requesting this use be allowed. Staff suggests the Commission discuss allowing a maximum of 275 SF (double sided) for this use, in keeping with the allowance of the other two previous mentioned uses. The Commission could also consider allowing only one pole sign to advertise for the four uses. Additionally it is noted in a condition, that other areas of the proposed sign elevation submitted are not part of the approval of the pylon sign and shall not be considered or approved as shown.

Pursuant to Willows Municipal Code Section 18.135.050, the Planning Commission may grant a Use Permit if the following findings can be made:

1. That the use is consistent with the purposes of the district in which the site is located.
2. That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
3. That the proposed use is in conformance with the General Plan.

In accordance with CEQA guidelines a Notice of Intent to Adopt a Mitigated Negative Declaration was legally noticed as required in the local newspaper at the time of public release of the MND document, which notice included the public hearing date. Such notice was legally noticed ten (10) days prior to the public hearing and notice of the public hearing were sent to property owners as indicated on the latest secured Assessor's records within 400 feet of the subject property boundary.

STAFF RECOMMENDATION:

Staff recommends adoption of the attached resolution adopting the Mitigated Negative Declaration for the Gateway Center Tentative Map Project, and approve the minor subdivision tentative map to subdivide 8.72 acres into four parcels, and Use Permit to allow additional height of a pylon pole sign, allow additional pole signage of 75 SF for each the gas station and the motel, and allow off site advertising signage not to exceed 275 SF, subject to findings as described in the resolution and conditions of approval as shown in Attachment #2 and Mitigation Measures in Attachment 6.

PLANNING COMMISSION OPTIONS:

- 1) Adopt the MND, and Approve the Gateway Center Minor Subdivision Tentative Map allowing one parcel split into four parcels for future commercial development and Use Permit to allow additional pylon pole height, allow additional signage for the gas station and motel, and allow off site advertising signage not to exceed 275 SF total, subject to findings and conditions of approval and mitigation measures within the Mitigated Negative Declaration.
- 2) Deny the MND, and applications with appropriate findings for denial.

Attachments:

1. Draft Planning Commission Resolution
2. Proposed Conditions of Approval
3. Proposed Minor Subdivision Tentative Map (one sheet)
4. Proposed Pylon Sign plan
5. Initial Study/MND (on website at www.cityofwillows.org)
6. Mitigation Measures (MND)
7. Agency comment letters
8. City response to letters

Submitted by:


Karen Mantele
Principal Planner

Appeal of the Planning Commission decision on the Tentative Map shall be made in writing to the City Council within fifteen (15) days from the date of the Commission'

DRAFT RESOLUTION

PC RESOLUTION NO. _____-2017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE GATEWAY CENTER PROJECT AND APPROVING A MINOR SUBDIVISION MAP (#MS-13-01) TO DIVIDE AN 8.72 ACRE PARCEL INTO FOUR PARCELS, AND USE PERMIT (#UP 16-08) TO ALLOW AN 88 FOOT HIGH PYLON POLE SIGN AND ADDITIONAL SIGN SQUARE FOOTAGE FOR THE GAS STATION AND THE MOTEL AND ALLOW A MAXIMUM OF 275 SQUARE FEET OF OFF SITE SIGNAGE DISPLAY FOR F.A. INVESTMENTS, LLC FOR PROPERTY LOCATED NORTHWESTERLY OF THE INTERSECTION OF COUNTY ROAD 57 AND COUNTY ROAD 99W (TEHAMA STREET/ROUTE 99) IN THE CITY OF WILLOWS, GLENN COUNTY SPECIFICALLY ASSESSORS PARCEL NUMBER 017-170-033

WHEREAS, the applicant, Ron Kahn on behalf of F.A. Investments, LLC, has filed a subdivision application to subdivide a 8.72 acre parcel into four lots for future commercial development on said property, and,

WHEREAS, the applicant, Ron Kahn on behalf of F.A. Investments, LLC, has filed a Use Permit application to allow additional height for the proposed pylon pole sign and additional sign square footage over what the sign code allows for the gas station and the motel, each 275 square foot total ; and

WHEREAS, Section 18.125.150 (Commercial Districts) states that “Signs not applicable to the permitted uses of the property may be permitted upon securing a use permit from the Planning Commission”, thereby allowing a maximum area of 275 SF to advertise a use not on the subject property; and

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration for the project was legally noticed in the local newspaper, which notice included the public hearing date notice of the Planning Commission meeting held on February 15, 2017 to hear the project proposal (Minor Subdivision and Use Permit applications), and mailing to property owners within 400 feet were sent; and

WHEREAS, the Planning Commission did, on February 15, 2017, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and,

WHEREAS, the Planning Commission has reviewed all evidence submitted in connection with the application, including public testimony, staff report, supporting documentation, City codes and regulations, and all other relevant documents and evidence which are part of the record of proceedings; and

WHEREAS, the Planning Commission finds that based upon preparation of an Initial Study, pursuant to the California Environmental Quality Act (CEQA Section 15070) a Mitigated Negative Declaration is hereby adopted in association with this project proposal; and

WHEREAS, the Planning Commission finds that on a cumulative basis, there is evidence in the record that this project will contribute to cumulative impacts upon fish and wildlife due to a reduction in natural habitat and therefore does not qualify for a de minimus exemption from State Fish and Game fee. The application will be responsible for payment of these fees as authorized by Section 711.4 of the Department of Fish and Game Code and to file a NOD; and

WHEREAS, the following findings are made with respect to Minor Subdivision Tentative Map (#MS-13-01):

- A. That the project is consistent with the City of Willows General Plan and Zoning Ordinance.
The project site is referenced in the General Plan as Highway Commercial which allows for highway commercial uses that primarily serve travelers at Interstate 5 access points, uses to include service stations, restaurants, motels, convenience stores and offices. The current zoning is consistent with the proposed four commercial uses per Section 18.65.020.
- B. That the parcel is physically suitable for the type of use proposed.
The proposed uses for the parcel(s) (commercial uses) are physically suitable for the property as minimum lot area is 5000 square feet for zone.
- C. That the proposed use of the parcel will not cause substantial environmental damage or substantially injure wildlife or their habitat.
The proposed use of the parcel(s) as conditioned will not cause substantial environmental damage or substantially injure wildlife or their habitat.
- D. That the approval of the proposed tentative map will not cause serious public health problems.
The project, as conditioned, will not cause serious public health problems.
- E. That the project is consistent with the Subdivision Map Act.
The project Tentative Map has been reviewed according to the Subdivision Map Act (SMA) and approved by the City Engineer and is therefore consistent with the Subdivision Map Act.

WHEREAS, the following findings are made with respect to Use Permit (#UP-16-08):

1. That the Use is consistent with the purposes of the district in which the site is located.
 - a. *The site is currently zoned Highway Commercial (CH) and the sign code allows for additional pole sign height per Section 18.125.120(3) with Commission approval.*
 - b. *The additional pylon pole signage of 75 SF for each the gas station and motel is allowed with Commission approval.*
 - c. *That the use of the one pole sign shall satisfy advertising the four commercial uses.*
2. That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
 - *The proposed development will be developed and operated under the current CH Zoning Classification regulations. Given the surrounding properties,*

future development of the site will be harmonious with these properties and not conflict with or otherwise create detrimental impacts.

- *The adopted conditions of approval as well as the mitigation measures within the Mitigated Negative Declaration will ensure that the Project will not be detrimental to the public health, safety, or welfare or materially injurious to properties.*
- *Site development will require building permits and Design Review approval from the Planning Commission prior to construction.*

3. That the proposed use is in conformance with the General Plan.
The project site is referenced in the General Plan as Highway Commercial. The project as conditioned ensures that this development adheres to the uses listed for this designation.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows does hereby find that the minor subdivision project as conditioned is consistent with the City of Willows General Plan, the City of Willows Municipal Code, the City of Willows Zoning Ordinance, and the Subdivision Map Act, and hereby adopt the Mitigated Negative Declaration for the project and approve the Minor Subdivision Map (#MS-13-01), and Use Permit (#UP-16-08) for additional pylon pole sign, for the Gateway Center Minor Subdivision Commercial Development, subject to the attached conditions of approval set forth in Attachment #2; and Tentative Map Attachment #3; Pylon Sign Attachment # 4, and Mitigation Measures Attachment #6.

IT IS HEREBY CERTIFIED that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission of the City of Willows on Wednesday, the 15th day of February, 2017, by the following vote, to wit:

AYES _____
 NOES _____
 ABSTAIN _____
 ABSENT _____

APPROVED: _____,
 _____, Chairperson

ATTEST: _____
 Recording Secretary, Maria Ehorn

Minor Subdivision File #MS-13-01 and Use Permit #UP-16-08

**CONDITIONS OF APPROVAL FOR
F.A. INVESTMENTS, LLC/GATEWAY CENTER MINOR SUBDIVISION & USE PERMIT
For property located Northwesterly of the Intersection of County Rd 57 and County Road 99
(APN: 017-170-033)
PC approval date: _____, 2017**

General Conditions:

1. The applicant/developer shall enter into a Pass Through Agreement with the City of Willows to pay the cost of all planning and engineering review, plan checking and field inspection of this development. The applicant/developer shall pay the amount to the City of Willows.
2. Notwithstanding the provisions of any other of these Conditions of Approval, this Tentative Map shall expire 24 months from the date of approval unless extended pursuant to the Subdivision Map Act.
3. That the application to extend the filing period for this map shall be received by the City of Willows sixty (60) days prior to the expiration date.
4. Any action or condition of the Planning Commission regarding this Tentative Map may be appealed in writing to the City Council in accordance with Section 66452.5 of the Government Code (filing fee is required). This Map shall not be recorded until the expiration of the 15-day appeal period following the date of approval. The expiration date of the appeal period is _____, 2017.
5. Pursuant to Section 66474.9 of the California Government Code the subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the County, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the Planning Commission or City Council concerning this subdivision, which action is brought within the time period provided for in Section 66499.37. The City shall promptly notify the applicant of any such claim, action or proceeding and shall cooperate fully in the defense of the action. If the City fails to so notify the applicant or to cooperate fully in the defense, the applicant shall not be obligated by this condition.
6. That prior to the filing of the Final Map for recording, the subdivider shall file a properly executed Tax Collector's Certificate with the County Recorder. A copy of this executed Certificate shall be included with the Final Map at the time the Map is submitted to the City for recording. In lieu of the above-mentioned requirements the subdivider may choose to have the County Tax Collector execute a Tax Collector's Certificate placed on the face of the Final Map. The Certificate shall be executed by the Tax Collector prior to submitting the Final Map to the City for recording.
7. The project does not qualify for a certificate of fee exemption for a de minimus impact from the Department of State Fish and Game fee, as the project will contribute to cumulative impacts upon fish and wildlife and that a possible impact to natural habitat

exists. The applicant shall be responsible for these fees pursuant to Section 711.4 of the Department of Fish and Game code prior to the filing of the Notice of Determination (NOD).

8. Any new structures to be constructed as part of the proposed four lot development shall be subject to Architectural Design Review approval by the City of Willows Planning Commission.
9. It is noted that other areas of the proposed pylon pole sign elevation submitted are not part of the approval of the sign and shall not be considered or approved as shown on Attachment 4 (Proposed Pylon Sign).
10. The applicant shall at a later date, apply for a Use Permit for a Master Sign Program for all building and site signage for the Gateway Center per Section 18.125.200.

Dept. of Transportation/Division of Aeronautics

11. California Public Utilities Code Section 21659 prohibits structural hazards on or near airports. Federal Aviation Administration (FAA) Advisory Circular 150/5370-2E "Operational Safety on Airports During Construction" should be incorporated into the project design in order to identify any permanent or temporary construction-related impacts (e.g. construction cranes) to the airport imaginary surfaces. The advisory circular is available at <http://www.faa.gov>.
12. The proposal will require the filing of a Notice of Proposed Construction or Alteration (Form 7460-1) in accordance with FAR Part 77 "Objects Affecting Navigable Airspace." This form is available at <https://oeaaa.faa.gov/external/portal.jsp> and should be submitted electronically to the FAA.

Cal Trans conditions:

13. Cal Trans requires the opportunity to review and comment on the drainage report upon completion. Drainage report shall include the following details:
 - a. No net increase in discharge shall be directed to State ROW as a consequence of future development. Any work performed within or from State ROW will require an encroachment permit. Conveyance facilities within State's ROW shall not have their capacity reduced as a consequence of development, resulting in run-off encroachment into the traveled way.
 - b. All grading and/or drainage improvements must perpetuate, maintain or improve existing drainage pathways, both within and outside of the State's highway ROW, and may not result in adverse hydrologic or hydraulic conditions within the State's highway ROW or to Caltrans drainage facilities.
 - c. In order to adequately evaluate project impacts upon the State's ROW and Caltrans drainage facilities, we recommend the following documents from the project proponent. Send them to the above address for review and comment prior to final project approval; detailed drainage plans, drawings or calculations, hydrologic/hydraulic study or report, or plans showing the "pre-construction" and "post-construction" coverage quantities for buildings, streets, parking, etc.
 - d. Runoff from the proposed project that may enter the State's highway ROW and/or Caltrans drainage facilities must meet all Central Valley Regional Water Quality Control Board water quality standards prior to entering the State's highway ROW or Caltrans drainage facilities. Appropriate stormwater quality BNP's (i.e. oil/water

separators, clarifiers, infiltration systems, etc.) may be applied to ensure that runoff from the site meets these standards (i.e. is free of oils, greases, metal, sands, sediment, etc.) Once installed, the property owner must property maintain these systems.

Fire Department

14. All buildings will have fire sprinkler systems provided. The Fire Department shall review all sprinkler plans prior to installation per WMC Section 15.15.10.
15. FDC connection will be within 50 feet of hydrant.
16. Water flow calculations shall be provided to indicate that the new hydrants meet water flow requirement minimums for this development.
17. On site hydrants will need to provide right of way given to Cal Water Service. On site hydrant will follow Cal Water design and planning process.
18. Fire flow at the site will be 2000 gallons per minute. Individual buildings will be calculated at time of building permit plan check.
19. Water storage in the area will be based upon type of building construction, building square footage, fire flow, and flow duration.
20. Fire hydrants will be spaced following Ca 2013 Fire Code Appendix C Table C105.1.
21. Water main from Cty. Rd. 53 to Cty. Rd. 57 to be a minimum of 12 inches.
22. All conditions subject to the most current adopted federal, state, local codes and ordinances. (Based on plan review submittal date)

Cal Water Service

23. Per comments received, California Water can serve the project per a Will Serve letter.

GCID Conditions:

24. The tentative development would necessitate detachment from GCID prior to the issuance of a building permit
25. The project Tentative Map does not designate any conduct of runoff drainage water into the southern drain. Should such a drain be proposed, a written agreement would need to be established by all parties for the mode and maintenance of said drainage in adherence to MOU item 6.
26. GCID has yet to receive any design documentation for the improvement of the existing southern drainage channel. The tentative map delineates parking lots along the southern portion of Lot 1 and Lot 2. This would impede GCID from gaining access to and conducting maintenance of this reach of drain. As such without any provision of a reasonable area to conduct operation and maintenance activities, GCID would consider quitclaiming the drain easement to the underlying landowners.

County of Glenn Air Pollution Control District Conditions:

27. Automobile service stations require both Air Pollution and CUPA Permits prior to installation of fueling systems and must be constructed to meet all Federal, State, and Local requirements.
28. Construction and fugitive related Particulate Matter (PM) (Dust) must be mitigated. All unpaved roads must be watered to the point that PM emissions are prevented from leaving the property boundary. All disturbed surfaces must have the soil stabilized to the point that fugitive dust emissions are prevented from leaving the property boundary. All vehicle traffic on unpaved roads must be limited to 15mph. Grading activities must be suspended when winds are sustained above 15mph.

29. The Tentative Map and new map layout appears to include specific uses for the proposed subdivided lots. Prior to construction each of these uses will likely be subject to mitigation and permitting requirements from the Glenn County Air Pollution Control District.

Glenn County Planning & Public Works Agency conditions:

30. Past drainage studies regarding development of this area, included a new diagonal box culvert to handle the increased runoff that would occur with development. This would include a slope with more than one foot of head loss from the entrance of the box culvert, north of County Rd. 57 to the outfall at the east side of County. Hwy. 99.
31. The County has concerns regarding the capacity of existing drainage facilities maintained adjacent to the proposed project. Even with retention controls, the off premise drainage and culverts may be susceptible to increases in stormwater flows as a result of impermeable surfaces; such as run-off from new streets, parking areas, and buildings. It is requested that any additional commenting periods, detail drawings, or calculations regarding the proposal continue to be forwarded to the Planning & Public Works Agency for additional analysis and/or remarks regarding potential modifications.

Engineering/Public Works Department:

General Conditions

32. Developer shall design and construct all improvements and facilities shown on the site plan in accordance with the Willows Municipal Code (WMC) and the City of Willows Design and Construction Standards. Approval of a tentative map depicting improvements that do not conform to the WMC or City Standards does not constitute approval of an exception to the WMC or City standards unless explicitly stated herein or in another City Resolution.
33. The developer shall be responsible for all City plan check and inspection costs. The developer shall deposit with the City upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon the actual plan check and inspection costs.
34. If any of the improvements which the applicant is required to construct or install is to be constructed or installed upon land in which the applicant does not have title or interest sufficient for such purposes, the applicant shall do all of the following at least 60 days prior to the filing of the final or parcel map for approval pursuant to Government Code Section 66457:
 - a) Notify the City of Willows (hereafter "City") in writing that the applicant wishes the City to acquire an interest in the land which is sufficient for such purposes as provided in Government Code Section 66462.5;
 - b) Supply the City with (i) a legal description of the interest to be acquired, (ii) a map or diagram of the interest to be acquired sufficient to satisfy the requirements of subdivision (e) of Section 1250.310 of the Code of Civil Procedure, (iii) a current appraisal report prepared by an appraiser approved by the City which expresses an opinion as to the current fair market value of the interest to be acquired, and (iv) a current Litigation Guarantee Report;
 - c) Enter into an agreement with the City, guaranteed by such cash deposits or other security as the City may require, pursuant to which the applicant will pay all of the City's cost (including, without limitation, attorney's fees and overhead expenses) of acquiring such an interest in the

land.

35. All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both on-site and along project frontages, shall be placed underground. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets.
36. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or underground fuel storage tanks shall be abandoned under permit and inspection of Glenn County Department of Health Services or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of this search done to make this determination.
37. CC&R's shall be provided that include provisions for maintaining all onsite private facilities including, but not limited to, all private utilities (including sewer and storm drain), all proposed landscaping, all streetlights, parking areas and other proposed privately owned facilities. The CC&R document shall be submitted to the City with the submittals of the final map and improvement plans and shall be subject to review and approval by the City. The CC&R's shall be recorded along with the final map and a copy of the recorded document shall be provided to the City. No building permits shall be issued until the recorded CC&R document has been received by the City.

Improvement Plans and Construction Conditions:

38. Improvement plans shall be prepared and submitted by a California Registered Civil Engineer for the construction of all necessary and required on-site and off-site improvements including grading, water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, walls, fences and lighting. All design and construction shall conform to the City of Willows Design and Construction Standards, as applicable.
39. A detailed Soils Investigation/Geotechnical Report shall be prepared and submitted for review. The report shall address, at a minimum, potential for liquefaction, expansive soils and seismic risk. The improvement plans shall incorporate all design and construction criteria recommended in the Geotechnical Report.
40. All private utilities and streets within the development, including any water mains not owned/maintained by Cal Water, any sewer mains (from the point of connection on the proposed Willows Gateway Blvd.) and all onsite storm drain facilities shall be clearly labeled "Private" on the improvement plans. Note that the proposed drainage facilities along County Road 57 currently owned, operated and maintained by Caltrans and the City of Willows shall continue to be owned, operated and maintained by those entities and shall remain public facilities.
41. Improvements plans shall include a storm water pollution prevention plan, storm water quality and site erosion control plans that meet State Water Resource Control Board and City requirements.
42. For any garbage dumpster areas proposed for the project site, all dumpster areas should be covered to prevent rainwater from entering the area and shall have a drain that connects to the City's sewer system.
43. Roadway Improvements
 - d. The structural section of all road improvements shall be designed based upon a geotechnical investigation that provides the basement soils R-value and expansion pressure test results. A copy of the geotechnical report shall also be submitted with the first set of improvement plan check-prints. All

improvements associated with Tehama Street and Road 57 shall be designed for a Traffic Index of a minimum of 7.

- e. Where new roadway improvements abut existing paving, the existing pavement section shall be saw-cut and reconstructed to provide adequate conforms. The limits of such reconstruction shall be as determined by the City Engineer.
- f. Pavement markings and signage shall be provided on all streets as necessary and as required by the City Engineer. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs and other regulatory and informational signs shall be installed at locations determined by the City Engineer.
- g. Street lighting shall be designed to provide to meet safety requirements and minimize glare. Street light standard and luminaries of the design, spacing, and locations shall be approved by the City Engineer. All lighting must have shields as specified in the City Standards.
- h. Ramps for disable persons meeting the most recent ADA standards shall be provided at all roadway and driveway intersections, and at the limits of the improvements where they do not adjoin existing sidewalk improvements. Sidewalk warps shall be provided as necessary to allow a clear four-foot wide walkway at all locations, including areas where mailboxes, streetlights, and fire hydrants obstruct sidewalks.
- i. Willows Gateway Blvd. shall be 48-foot curb to curb width and shall include an additional 10 feet from face of curb to right-of-way on both sides of the street, with 5-foot sidewalks provided. If landscaping is proposed to be located in the area between the sidewalk and the curb, there shall be a minimum of 5 feet in width provided for the landscaping. Any trees planted between the sidewalk and the curb should be installed with root barriers. The structural section of the road shall be designed to support a minimum Traffic Index of 7.0. The road shall be striped to include centerline striping, stop signs, stop bars and other striping that may be required on the improvement plans. Adequate turn around areas shall be provided at the westerly terminus, as well as barricades and signage. The turn-around area shall be sufficient to allow truck turning movements. This shall be demonstrated through the use of truck templates to establish required radii. Left turn and right turn pockets shall be provided at the intersection with Tehama Street. Necessary red curbing and/or No Parking signs shall be posted as necessary and as directed on the improvement plans.
- j. The bridge for Willows Gateway Blvd. spanning the existing drainage channel shall be of similar design as the bridge proposed in the Willows Commercial project to the north. Adequate guardrails shall be included with the design to protect vehicles from the drop off at the channel crossing.
- k. Tehama Street shall be fully improved to include road widening along the entire length of the frontage of the development that shall include curb, gutter and a 5-foot sidewalk per City Standards; road widening to include 12 foot wide

through lanes in both directions; a minimum of 8 feet of paved shoulder width in both directions (for the southbound direction, the 8 foot shoulder shall abut the curb and gutter); 12 foot wide acceleration and deceleration lanes in the southbound direction; a 12 foot center left turn lane (minimum storage pocket length of 100 feet) in the northbound direction with appropriate tapers per Caltrans; and adequate widening north of the proposed intersection to shadow the northbound left turn pocket with tapers meeting Caltrans requirements. All design shall be per the City's Design and Construction Standards and Caltrans standards. Guardrails shall be provided behind the back of the sidewalk.

- l. Sidewalk barricades shall be provided at the westerly terminus of the proposed private road and at the north end of the sidewalk to be constructed along Tehama Street. Barricades shall be per City Standards.
- m. At the intersection of Rd. 57 and Tehama, improvements to the northwest corner shall be made to include pedestrian ramps, guardrail (to protect vehicles from the drop off into the channel) and necessary signage as may be required. Southbound Tehama shall be widened to provide a dedicated right turn lane and a thru/left turn lane.

43. **Water and Sanitary Sewer Improvements:**

- a. All public water and sewer mains must be located in public right-of-way or within approved easements. Where public water or sewer mains must be located on private property, all necessary easement dedications must be made either on the parcel map for the development or must be done by separate deed and full executed prior to approval of the improvement plans.
- b. Sewer grades must be designed such that ultimate finished floors are a minimum of 12" above upstream manhole or clean-out rim elevations. Inadequate elevation differentials or grade on private laterals, as determined by the City, must be mitigated by either raising finished floor elevation(s) or installing privately owned and operated sewer lift station(s) with grinder/ejector pump(s) on site.
- c. The applicant shall be responsible to for connecting to the City's existing sewer system. This will include connecting to the manhole at the intersection of Road 57/Tehama Street, or at the connection being constructed with the South Willows Commercial project (sewer lines depicted on the Tentative Map are not correct – there is no existing line fronting this project.) If connecting to the manhole at Road 57/Tehama, the applicant shall conduct a sewer study of the downstream sewer line to determine if the line is sufficiently sized to handle increased flows from this development. If it is determined that the existing line is undersized, the developer shall be responsible for upsizing the existing sewer line to accommodate the increase in effluent from the point of connection to wherever the study indicates the line needs to be upsized to. This study shall be submitted prior to the first submittal of the improvement plans and shall be subject to review and approval by the City.
- d. All onsite sewer mains and lateral shall be privately owned and maintained.

- e. An analysis shall be completed indicating the ultimate development north and west of this project to ensure that utility lines are being properly sized to consider future development and extension. The onsite sewer lines for this project shall be sized adequately to handle the ultimate flows of the build-out of the adjacent property.
- f. The developer shall be responsible for constructing the water line from its proposed terminus at the southerly end of the South Willows Commercial Development to Road 57. As the City is proposing to relinquish ownership of the City's current water system in this area to Cal Water, other requirements (e.g. storage tanks) may be needed to support development. It is anticipated that the City will form an Area of Benefit for the overall area south of Road 53. This intent of this Area of Benefit will be to set up a cost sharing mechanism to pay for needed infrastructure (water, sewer, etc.) that will serve this overall area. The property associated with this project will be within this Area of Benefit. Anticipating a fair-share equity formula for spreading the costs of improvements, the developer shall waive his rights of protest for formation of the Area of Benefit and shall agree to participate in the Area of Benefit in accordance with the equitable sharing of costs.

44. Drainage Improvements:

- a. All project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed in accordance with the Design Criteria utilizing the rationale method and any applicable adopted City drainage plans.

The applicant shall submit for review and approval, drainage plans and hydraulic calculations prepared by a Registered Civil Engineer. The drainage plans and calculations shall include a hydrology map and indicate the following conditions before and after development:

Quantities of water, water flow rates, major water courses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps and drainage courses. Hydrology shall be per current City Standards.

- b. Post-development flows from the site shall not exceed pre-development flows. If detention areas are needed they shall be shown on the improvement plans and calculations showing the needed storage and sizing of the detention basin shall be provided with the first submittal of the improvement plans. Detention plan calculations shall show routing hydrographs into and out of the pond(s).
- c. Any work within the existing drainage courses may require Streambed Alteration Permits from California Fish and Wildlife and/or permits from other agencies (e.g. Caltrans, Regional Water Quality, etc.) If permits are needed, said permits shall be obtained prior to signing of the improvement plans to ensure that the improvement plans take into account any mitigation measures or conditions that may be required.
- d. Sizing of facilities for the proposed bridge over the drainage ditch along the Tehama frontage of the property shall be sized such that the 100-year storm will be able to pass under the bridge. All onsite storm drain facilities shall be sized to carry a 10-year storm and 100-year storm overland flows shall be provided for on the improvement plans. If the 100-year overland relief is not in the street, flood easements shall be dedicated on the final map. Said overland easements shall be

clear of structures and landscaping (parking lots may be used.)

- e. The developer shall submit a SWPPP for the project.
- f. The improvement plans shall take into account intercepting any storm water from adjacent properties that historically have been flowing across the project site, and getting any intercepted flows into an approved storm drain system.
- g. If development is to occur west and north of this property, an analysis shall be completed indicating the ultimate development and needed pipe sizing to accommodate ultimate flows. The onsite storm drain system for this project shall be sized adequately to handle the ultimate flows of the build-out of the adjacent property.
- h. The developer agrees to participate in the City's existing Landscape and Lighting Assessment District for maintenance of any public landscape areas and, if formed, agrees to participated in an maintenance assessment district (1982 Act) for maintenance of the ditches along Tehama and Road 57.
- i. As part of the overall development, access easements shall be provided to the City form maintenance of the Tehama ditch. If this is accomplished by providing a levee road, an easement will be required for the road if it extends beyond any existing easements. If the access road will be provided through the parking areas adjacent to the ditch, an access and maintenance easement shall be dedicated to the City. As part of the easement, verbiage shall include providing the City with access over the parking areas and the ability to close off any of the parking within the easement for maintenance. Additionally, if the parking area is used for accessing/maintaining the ditch, the structural section of the base/paving under the portion of the parking lot used for access and maintenance shall be sufficient to support heavy equipment used in maintenance/construction operations. The City shall not be responsible for maintenance of the parking areas or damage due to inadequate structural sections.
- j. The applicant shall be responsible for obtaining all clearances from Caltrans associated with impacts and/or construction within the existing Caltrans easement for their drainage channel. Written clearance shall be provided to the City from Caltrans prior to signature of the improvement plans.
- k. All fire hydrant locations shall be coordinated with the City's Fire Department and Cal Water.

Final Map Conditions:

- 45. A final map, as defined in the State Subdivision Map Act, shall be prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s) shall be filed with the City Engineers Office. The final map shall be substantial conformance with the approved Tentative Map and all applicable conditions of approval. The final map in not valid until it has been approved and recorded.
- 46. The developer shall secure all necessary rights-of-way and easements for both onsite and offsite improvements. Rights-of-way and easements shall be dedicated on the map or

provided by separate instrument. The developer shall prepare all necessary legal descriptions and deeds.

The following offers of dedication shall be made to the City:

- Dedication of any necessary right-of-way for the widening of Tehama Street.
 - Dedication of Willows Gateway Blvd.
 - Easements necessary for maintenance of the drainage ditches along Tehama and Road 57.
47. The applicant shall transmit by certified mail a copy of the conditionally approved Tentative Map together with a copy of Section 66436 of the State Subdivision Map Act to each public entity or public utility that is an easement holder of record. Written compliance shall be submitted to the City of Willows.
48. The final map shall not be approved prior to approval of the improvement plans.
49. Prior to approval of the final map, the developer shall either complete required improvements in accordance with the approved improvement plans, or enter into a Subdivision Improvement Agreement and post sufficient surety as required by the City for the improvements. A certificate of occupancy shall not be issued for any structure until required improvements are completed to the satisfaction of the City.
50. The final map shall include reciprocal access and parking easements for all parcels sharing common driveways and parking lots.

Construction Conditions:

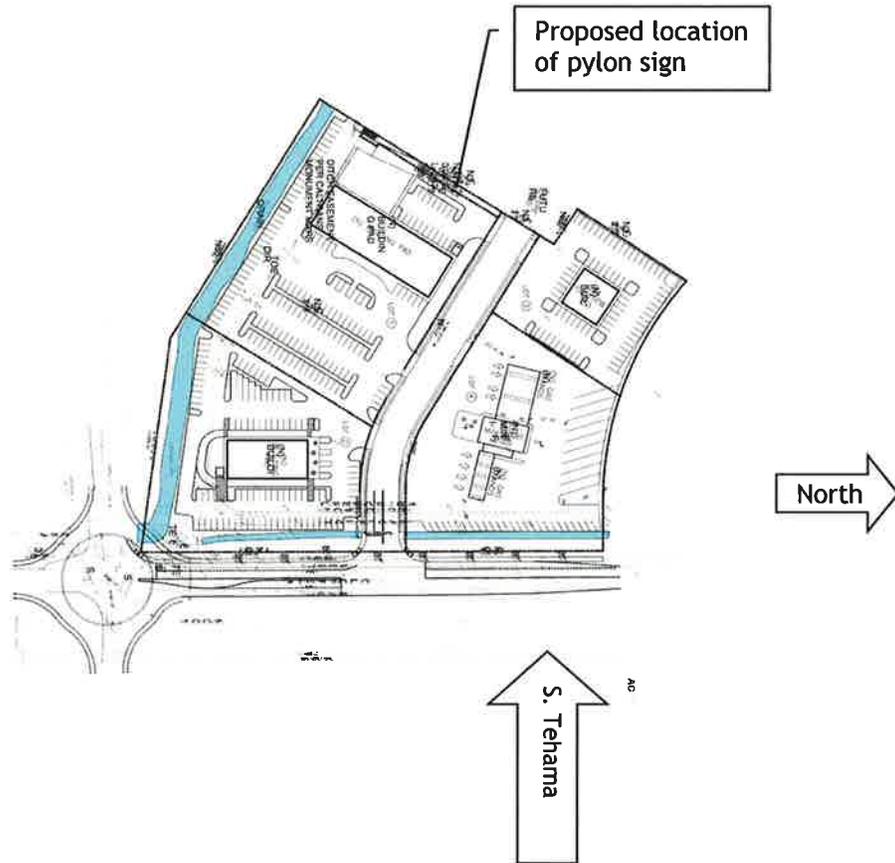
51. No grading or other construction shall be performed until the improvement plans have been approved and signed by the City Engineer. Encroachment Permits and Building Permits will not be issued prior to the approval of the improvement plans. An Encroachment Permit is required for any work within the City's or Caltrans' rights-of-way.
52. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.
53. Before or any construction activity commences, the developer shall provide evidence that a Notice of Intent has been submitted and received by the Regional Water Quality Control Board for a General Construction Activity Storm Water Permit. A copy of the project Storm Water Pollution Protection Plan shall be submitted to the City.
54. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Glenn County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
55. Prior to final preparation of the subgrade and placement of base materials, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines, shall be installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.
56. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a

- revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity. Additionally, if field conditions warrant installation of any subdrains, the location, size and construction details must be provided to the City for review and approval prior to construction.
57. Prior to placing the final lift of asphalt, all public sanitary sewer lines shall be video inspected at the expense of the contractor/developer. All video tapes shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
 58. All streets, curbs, gutters, sidewalks or other public facilities damage in the course of construction associated with this development shall be the responsibility of the Developer and shall be repaired to the satisfaction of the City at the Developer's expense.
 59. The applicant shall submit a proposed haul route for all trucking associated with this project to the City Engineer for review and approval prior to commencement of construction.
 60. Dust control must be maintained to the City's satisfaction.
 61. Working hours shall be restricted to the hours of 7:00 a.m. to 6 p.m., Monday through Friday.

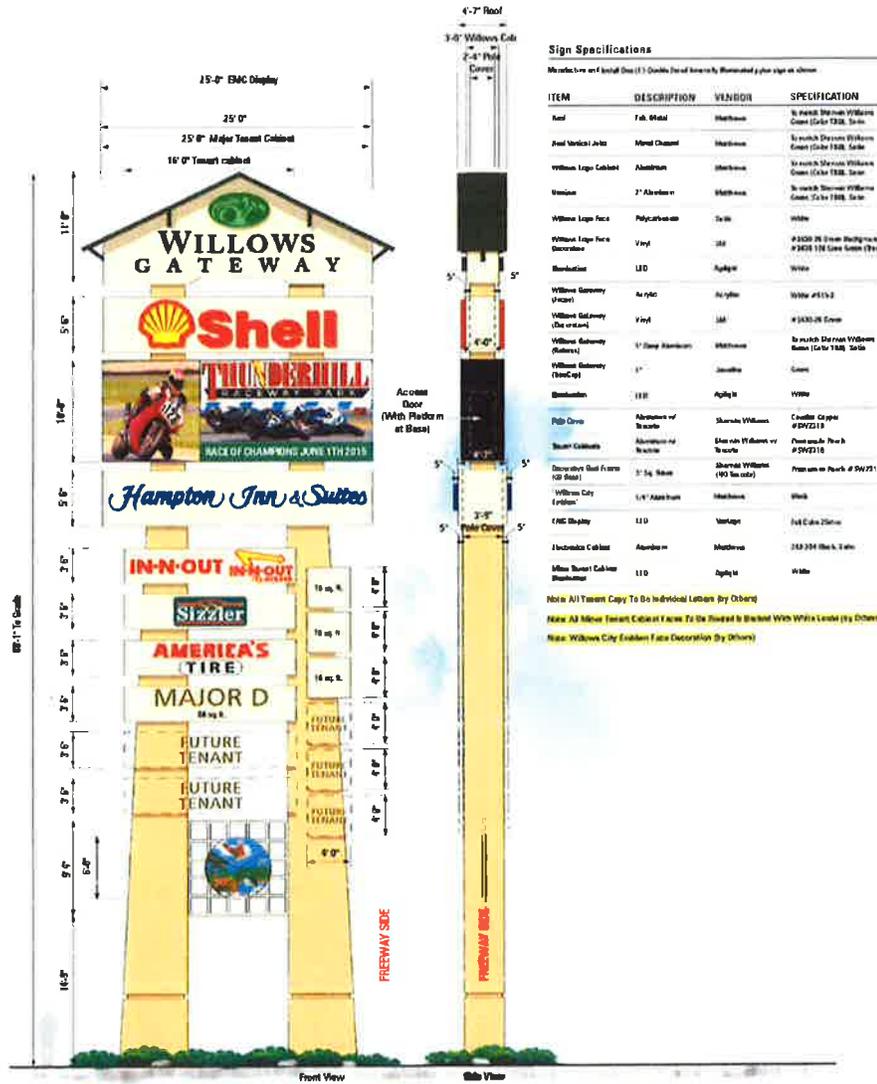
Subdivision Final and/or Release of Securities Conditions:

62. All improvements shown on the Improvement Plans shall be completed and accepted by the City.
63. All punch-list work shall be completed and any outstanding inspection fees or other charges shall be paid.
64. Developer shall provide sufficient surety guaranteeing the public improvements for a period of one year.
65. A complete set of *As-Built* or Record improvement plans showing all substantial changes from the original plans shall be certified by the Civil Engineer of record and submitted to the City Engineer prior to acceptance of the public improvements.
66. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her engineer certifying that they observed the work during construction and that site grading and all private site improvements have been completed in accordance with the improvement plans approved by the City Engineer.
67. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her geotechnical engineer certifying that they observed the work and reviewed testing results, and that all of work was performed in accordance with the recommendations included in the Soils Investigation/Geotechnical Report or other recommendations necessitated by field conditions.

Proposed Tentative Map for Minor Subdivision



PROPOSED PYLON SIGN PLAN



A SIGN ELEVATION SCALE: 1/8" = 1'-0"



1051 45th Avenue
 Oakland, Ca 94601
 T: 510 533 7682
 F: 510 933 0815
 www.arrowsigncompany.com

Willows Gateway Sign
 Willows, Ca
 Date: 12-16-2013
 By: Mark Gaston
 For: Randy Tucker

App: 04/11 - 04/11/2013
 A: 04/11/13 - 04/11/2013
 D: 10/12/13 - 10/12/2013

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 For More Details:
2013 Willows Gateway Pylon
131203 Sheet 1

Initial Study/MND

“FULL DOCUMENT” IS AVAILABLE UPON REQUEST

ALSO LOCATED ON THE CITY WEBSITE AT WWW.CITYOFWILLOWS.ORG

A COPY IS LOCATED AT THE CITY LIBRARY AND AT CITY HALL

Mitigation Measures/MND**Mitigation Measures/Gateway Center Minor Subdivision Tentative Map**

1. Prior to obtaining building permits for the automotive/truck fueling stations, the applicant shall obtain Air Pollution and CUPA permits. Fueling stations (gasoline dispensing systems) shall meet or exceed all Federal, State and Local requirements. Permit conditions may include but are not limited to the following:
 - a) Limit the number of fueling stations to maintain peak winter NOx emissions at less than 137 lbs/day.
 - b) Limit the hours of station operation to reduce peak winter NOx emissions.
 - c) Use the most-advanced models of California Air Resources Board-certified vapor-recovery systems.
 - d) Permit conditions are subject to the discretion of the Glenn County AQMD.
2. During construction, all unpaved roads and ground surfaces must be watered to the point that Particulate Matter emissions are prevented from leaving the property boundary. All vehicle traffic on unpaved surfaces shall be limited to 15 mph. Grading activities shall be suspended whenever winds are sustained at or above 15 mph.
3. Giant Garter Snake Mitigation:
 - a) A Worker Environmental Awareness Training Program for construction personnel shall be conducted by a California Department of Fish and Wildlife-approved biologist for all construction workers, including contractors and sub-contractors, before each phase of construction. The project applicant shall inform the City in writing (paper, email, etc.) that such training has occurred.
 - b) Twenty-four-hours prior to beginning site preparation, grading and construction activities, the project area shall be surveyed for giant garter snakes by a CDFW-approved biologist. The biologist shall provide the City and CDFW a written report that documents the monitoring efforts within 24 hours before construction activities. The project area shall be re-inspected by the monitoring biologist whenever a lapse in construction activity of two weeks or more has occurred.
 - c) Snake exclusionary fencing, such as a silt fence buried at least six inches below the ground, shall be installed along the northern and western project boundary before site preparation, grading and construction. A CDF&W-approved biologist shall verify that this fencing is in place and has been installed properly.
 - d) Stockpiling of construction materials, portable equipment, vehicles, and supplies shall be restricted to the designated construction staging areas. All operations shall be confined to the minimal area necessary.
 - e) Project-related vehicles shall observe a 20-mile-per-hour speed limit within construction areas, except on existing paved roads where they shall comply with posted speed limits.
 - f) Best Management Practices (BMPs) and a Storm Water Pollution Prevention Plan (SWPPP) pursuant to current regulations shall be implemented to minimize the potential for erosion and sedimentation into nearby water bodies.
 - g) As directed by the California Department of Fish and Wildlife, prior to site preparation, the project proponent shall apply for an Incidental Take Permit, and comply with any permit conditions imposed in addition to the mitigation measures above.

4. Wetlands/Intermittent Channel/GSS Habitat Loss Mitigation

- a) The project proponent shall purchase USFWS- and CDFW-approved GGS mitigation credits, or deposit in-lieu fees into the Giant Garter Snake Conservation Fund as approved by the USFWS. Credits purchased shall be at an acreage ratio of at least 1:1.
- b) Prior to site preparation, the project proponent shall seek and obtain the appropriate CWA Section 404 permit from the U.S. Army Corps of Engineers, and implement mitigation measures as directed by that permit.

5. Nesting Birds, Tri-colored Blackbird and Burrowing Owl Mitigation

- a) Vegetation scheduled for removal shall be removed during the non-nesting season from 2 September to 14 February. Trees may be trimmed several inches above the ground with the roots left intact to prevent erosion.
- b) If construction begins outside the 15 February to 1 September nesting season, there will be no need to conduct a preconstruction survey for active nests.
- c) If construction or vegetation removal begins between 15 February and 1 September, a CDFW-approved biologist shall conduct a survey for active bird of prey nests within 500 feet and other active nests within 100 feet of the PSA from publicly accessible areas within 14 days prior to construction. The measures listed below shall be implemented based on the survey results. The preconstruction survey for nesting birds shall comply with the guidance for "Take Avoidance Surveys" described by the CDFW (2012) Staff Report on Burrowing Owl Mitigation.
- d) If no active nests or burrows are found:
 - ii. If no active nest of a bird of prey, MBTA bird, or other CDFW-protected bird is found, then no further avoidance and minimization measures are required.
- e) If active nests or burrows are found:
 - ii. A 500-foot Environmentally Sensitive Area (ESA) shall be established around any active bird of prey nest. A 100-foot Environmentally Sensitive Area (ESA) shall be established around an active nest of other protected birds.

No construction activity shall take place in the ESA until the CDFW-approved biologist determines that the nest is no longer active.

6. In the event that archaeological remains or artifacts are uncovered during construction activities, work shall be stopped and a qualified archaeologist shall survey the site. The archaeologist shall submit a report with recommendations on the disposition of the site. Disposition may include, but is not limited to, excavation and documentation, capping the site, or leaving the site in an open space area. The recommendations of the archaeologist shall be incorporated in the project.

7. The proposed development shall be designed and constructed in accordance with the most current applicable Building Codes, including the Uniform Building Code (UBC) and the California Building Code (CBC) as determined by the Building Division of the City of Willows.

8. Improvement plans shall be prepared by a California Registered Civil Engineer for the construction of all necessary and required on-site and off-site improvements including grading, water (coordinated with Cal Water), sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, on-site lighting, streetlights and erosion control measures. All design and construction shall conform to the City of Willows Design and Construction Standards, as applicable.

9. Prior to final design and the commencement of site grading, a detailed geotechnical investigation of this property shall be conducted that includes additional test borings of test pits with soil sampling, laboratory testing, and additional engineering evaluation. The final report shall present geotechnical engineering conclusions and specific recommendations regarding site preparation, dewatering methods, foundation alternates, floor support, site drainage and pavement design.

10. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity. Additionally, if field conditions warrant installation of any sub-drains, the location, size and construction details must be provided to the City for review and approval prior to construction.
11. Prior to acceptance of the work, the developer shall provide a written statement signed by his or her geotechnical engineer certifying that they observed the work and reviewed testing results, and that all of work was performed in accordance with the recommendations included in the Soils Investigation/Geotechnical Report or other recommendations necessitated by field conditions.
12. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Glenn County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
13. The project applicant shall prepare an evacuation plan for patrons and employees of the proposed commercial development for review and approval by the City Planning Department, the Fire Department and the Police Department. Said plan shall include a description and methods of safely evacuating the hotel/restaurant/service station uses on the project site in the event of a release of a hazardous material spill, leak or other release from the Glenn Fertilizer plant. Evacuation routes and instructions shall be prominently posted in hotel rooms, the proposed restaurants and service station facilities. The final project design shall provide sufficient access/egress to accommodate this evacuation plan, subject to approval by the City Planning, Police and Fire Departments. Such access/egress may include multiple points of access, additional driveways, wide driveway aisles, limitation of landscaping obstructions, etc.
14. The developer shall submit to the City a Storm Water Pollution Prevention Plan (SWPPP) for the project.
15. Before any construction activity that would result in a land disturbance of one acre or larger, the developer shall provide evidence that a Notice of Intent (NOI) has been submitted and received by the Regional Water Quality Control Board for a General Construction Activity Storm Water Permit. A copy of the project Storm Water Pollution Protection Plan (SWPP) shall be submitted to the City.
16. Improvements plans shall include the SWPP described above, in conformance with State and local standards.
17. Grading and site improvements shall be such that storm water runoff is not directed onto any of the adjacent parcels.
18. The developer shall keep adjoining streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by the City Engineer.
19. All project-related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed in accordance with the Design Criteria utilizing the Rational Method and any applicable adopted City drainage plans.
20. The applicant shall submit for review and approval, drainage plans and hydraulic calculations prepared by a Registered Civil Engineer. The drainage plans and calculations shall indicate the following conditions before and after development:
 - i) Quantities of water
 - j) Water flow rates
 - k) Major water courses
 - l) Drainage areas and patterns
 - m) Diversions
 - n) Collection systems
 - o) Flood hazard areas
 - p) Sumps and drainage courses

Hydrology calculations and design shall be per current City standards.
21. Post-development off-site flows shall not exceed pre-development flows. Any needed detention facilities shall be included on the improvement plans. Hydrology calculations shall be included with the first submittal of improvement plans, showing the needed storage and sizing of the detention basin(s), routing hydrographs into and out of the basin(s). All detention facilities shall be privately owned and maintained.

22. Any work within the existing drainage courses (intermittent channel, irrigated wetland) may require Streambed Alteration Permits from the California Department of Fish and Wildlife and/or permits from other agencies (e.g. Caltrans, Regional Water Quality Control Board, U.S. Army Corps of Engineers, etc.). If permits are needed, said permits shall be obtained prior to sign-off of the improvement plans, to ensure that improvement plans comply with any required mitigation measures or permit conditions.
23. Facilities for the proposed bridge over the drainage ditch along the Tehama frontage of the property shall be sized such that the 100-year storm will be able to pass under the bridge. All on-site storm drain facilities shall be sized to carry a 10-year storm and 100-year storm overland flows shall be provided for on the improvement plans. If the 100-year overland relief is not in the street, flood easements shall be dedicated on the final map. Said overland easements shall be clear of structures and landscaping (parking lots may be used).
24. No net increase in discharge shall be directed to State right-of-way. Any work performed within or from State right-of-way will require an encroachment permit. Conveyance facilities within the State's right-of-way shall not have their capacity reduced as a consequence of development, resulting in run-off encroachment into the traveled way.
25. Improvement plans shall take into account intercepting any storm water from adjacent properties that historically have been flowing across the project site, and getting any intercepted flows into an approved storm drain system.
26. If development is to occur west and north of the subject property, an analysis shall be completed indicating the ultimate development and needed pipe sizing to accommodate ultimate flows. The on-site storm drain system for this project shall be sized adequately to handle the ultimate flows of the build-out of the adjacent property.
27. All grading and/or drainage improvements must perpetuate, maintain or improve existing drainage pathways, both within and outside of the State's highway right-of-way, and may not result in adverse hydrologic or hydraulic conditions within the State's highway right-of-way or to Caltrans' drainage facilities.
28. Runoff from the proposed project that may enter the State's highway right-of-way and/or Caltrans' drainage facilities must meet all Central Valley Regional Water Quality Control Board water quality standards prior to entering the State's highway right-of-way or Caltrans' drainage facilities. Appropriate storm water quality BMPs (i.e. oil/water separators, clarifiers, infiltration systems, etc.) may be applied to ensure that runoff from the site meets these standards (i.e. is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems.
29. The proposed project shall demonstrate compliance with Fire Department Conditions, prior to issuance of the Occupancy Permit for the project.
30. The applicant shall construct the proposed project access intersection in accordance with City of Willows and Glenn County design standards. The driveway approach shall be STOP controlled and shall meet AASHTO intersection sight-distance requirements.
31. The project access intersection shall have exclusive left-turn and exclusive right-turn lanes approaching Tehama Street.
32. A northbound left-turn pocket with at least 100 feet of storage pocket length shall be provided on Tehama Street to provide safe turning movements on this road.
33. Traffic signal timing shall be revised in the future to optimize traffic flow with changing traffic patterns.
34. Right-of-way shall be reserved at the County Road 57/Tehama Street intersection to accommodate a single lane roundabout in the long-range horizon.
35. Willows Gateway Blvd. shall be 48-foot curb to curb width and shall include an additional 10 feet from face of curb to right-of-way on both sides of the street, with 5-foot sidewalks provided. If landscaping is proposed to be located in the area between the sidewalk and the curb, there shall be a minimum of 5-feet in width provided for the landscaping. Any trees planted between the sidewalk and the curb should be installed with root barriers. The structural section of the road shall be designed to support a minimum Traffic Index of 7.0. The road shall be striped to include centerline striping, stop signs, stop bars and other striping that may be required on the improvement plans. Adequate turn around areas shall be provided at the westerly terminus, as well as barricades and signage. The turn-around area shall be sufficient to allow truck-turning movements. This shall be demonstrated through the use of truck templates to establish required radii. Left turn and right turn pockets shall be provided at the intersection with Tehama Street. Necessary red curbing and/or No Parking signs shall be posted as necessary and as directed on the improvement plans.
36. The bridge for Willows Gateway Blvd. spanning the existing drainage channel shall be of similar design as the bridge proposed in the Willows Commercial project to the north. Adequate guardrails shall be included with the design to protect vehicles from the drop off at the channel crossing.

37. Tehama Street shall be fully improved to include road widening along the entire length of the frontage of the development that shall include curb, gutter and a 5-foot sidewalk per City Standards; road widening to include 12-foot wide through lanes in both directions; a minimum of 8 feet of paved shoulder width in both directions (for the southbound direction, the 8 foot shoulder shall abut the curb and gutter); 12-foot wide acceleration and deceleration lanes in the southbound direction; a 12-foot center left turn lane (minimum storage pocket length of 100- feet) in the northbound direction with appropriate tapers per Caltrans; and adequate widening north of the proposed intersection to shadow the northbound left turn pocket with tapers meeting Caltrans requirements. All design shall be per the City's Design and Construction Standards and Caltrans standards. Guardrails shall be provided behind the back of the sidewalk.
38. Sidewalk barricades shall be provided at the westerly terminus of the proposed private road and at the north end of the sidewalk to be constructed along Tehama Street. Barricades shall be per City Standards.
39. Improvements to the northwest corner of the intersection of County Road 57 and Tehama Street shall be made to include pedestrian ramps, guardrail (to protect vehicles from the drop off into the channel) and necessary signage as may be required. Southbound Tehama Street shall be widened to provide a dedicated right-turn lane and a thru/left turn lane.

In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

40. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. The coroner of Glenn County is contacted to determine that no investigation of the cause of death is required, and
 - b. If the coroner determines the remains to be Native American:
 - i. The coroner shall contact the Native American Heritage Commission within 24 hours.
 - ii. The Native American Heritage Commission shall identify the person or persons believed to be the most likely descendant of the deceased Native American.
 - iii. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code § 5097.98, or
 - iv. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance, unless:
 - v. The Native American Heritage Commission is unable to identify the most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the Commission.
 - vi. The descendant identified fails to make a recommendation; or
 - vii. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Agency Response Letters to MND

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
 DIVISION OF AERONAUTICS
 P. O. BOX 942974, MS-40
 SACRAMENTO, CA 94274-0061
 PHONE (916) 654-1959
 FAX (916) 655-9531
 TTY 711
www.dot.ca.gov



*Service through
 responsibility*

January 24, 2017

Ms. Karen Mantele
 City of Willows
 201 N. Lassen Street
 Willows, CA 95988

Dear Ms. Mantele:

Re: Mitigated Negative Declaration for the Gateway Center; SCH No. 2017012027

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The proposal is for the development of the Gateway Center commercial project that will include a hotel, restaurants, an automobile service station and a conditional use permit for an approximately 88-foot pylon sign. The project site is located approximately 1.30 miles southeast of the end of Runway 31 at Willows-Glenn County Airport.

The proposal must not result in hazards to flight, such as: Obstructions to the navigable airspace (i.e. Federal Aviation Regulations (FAR) Part 77 defined primary, approach and transitional surfaces) required for flight to, from, and around an airport; visual hazards associated with distracting lights, glare, and sources of smoke; or electronic hazards that may interfere with aircraft instruments or radio communication.

California Public Utilities Code Section 21659 prohibits structural hazards on or near airports. Structures should not be at a height that will result in penetration of the airport imaginary surfaces. Federal Aviation Administration (FAA) Advisory Circular 150/5370-2F "Operational Safety on Airports During Construction" should be incorporated into the project design in order to identify any permanent or temporary construction-related impacts (e.g. construction cranes) to the airport imaginary surfaces. The advisory circular is available at <http://www.faa.gov>. The proposal will also require the filing of a Notice of Proposed Construction or Alteration (Form 7460-1) in accordance with FAR Part 77 "Objects Affecting Navigable Airspace." Form 7460-1 is available on-line at <https://oaaaa.faa.gov/oaaaa/external/portal.jsp> and should be submitted electronically to the FAA.

These comments reflect the areas of concern to the Division of Aeronautics with respect to airport-

*"Provide a safe, sustainable, integrated and efficient transportation system
 to enhance California's economy and livability"*

Ms. Karen Marcele
January 24, 2017
Page 2

related noise, safety, and regional land use planning issues. We advise you to contact our District 3 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact me at (916) 654-6223, or by email at philip.crimmins@dot.ca.gov.

Sincerely,



PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, Willows-Gilconn County Airport

*'Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability'*



January 18, 2017

Karon Marcele
City of Willows
201 N Lassen Street
Willows, CA 95988



Re: SCH#2017012027 Gateway Center Tentative Map, Butte County

Dear Ms. Marcele:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR)/Mitigated Negative Declaration (MND) or Negative Declaration prepared for the project referenced above. The review may have included the Cultural Resources Section, Archaeological Report, Appendices for Cultural Resources Compliance, as well as other informational materials. We have the following concerns:

- There is no information in the documents of any contact or consultation with all traditionally, culturally affiliated California Native American Tribes from the NAHC's contact list.
- There is no evidence that possible mitigation measures were developed in consultation with the traditionally, culturally affiliated California Native American Tribes, for example avoidance or conservation easements.
- There does not appear evidence that a cultural assessment was completed.

The California Environmental Quality Act (CEQA), specifically Public Resources Code section 21004.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.² If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.³ In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52),⁴ AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for "tribal cultural resources", that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.⁵ Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 305, Statutes of 2004), Government Code 65052.3, if it also involves the adoption of or a amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966⁶ may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online

¹ Pub. Resources Code § 21000 et seq.

² Pub. Resources Code § 21004.1, Cal. Code Regs., tit. 14, § 15192(a)(3); CEQA Guidelines Section 15064.5(f).

³ Pub. Resources Code § 21080 (b); Cal. Code Regs., tit. 14, § 15064 (subsections); CEQA Guidelines § 15004 (a)(1).

⁴ Government Code 65052.3.

⁵ Pub. Resources Code § 21071.

⁶ Pub. Resources Code § 21061.2.

⁷ Pub. Resources Code § 21061.3 (a).

⁸ 164 U.S.C. 3101-01, 35 U.S.C. § 800 et seq.

at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalCPADf.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at Email address, or call phone number, if you have any questions.

Sincerely,



Frank Henert
Associate Governmental Program Analyst

Attachment

cc: State Clearinghouse

Pertinent Statutory Information:

Under AB 52:

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice. A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project,¹⁰ and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (33 18)."¹¹

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (f) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.¹²

If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (g), avoid or substantially lessen the impact on the identified tribal cultural resource.¹³

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.¹⁴

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.¹⁵

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b).¹⁶

An environmental impact report may not be certified nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concludes pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.¹⁷

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5097.993 of the Public Resources Code that are located within the city or county's jurisdiction." Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

¹⁰ Pub. Resources Code § 21080.3.1, subds. (d) and (e)

¹¹ Pub. Resources Code § 21080.3.1 (h)

¹² Pub. Resources Code § 21080.3.2 (a)

¹³ Pub. Resources Code § 21082.3 (a)

¹⁴ Pub. Resources Code § 21082.3 (c)(1)

¹⁵ Pub. Resources Code § 21082.3 (c)

¹⁶ Pub. Resources Code § 21084.3 (b)

¹⁷ Pub. Resources Code § 21080.3 (a)

¹⁸ Pub. Resources Code § 21082.3 (c)

¹⁹ Pub. Resources Code § 21082.3 (c)

- SB 18 applies to local governments and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NA-IC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.
- There is no Statutory Time Limit on Tribal Consultation under the law.
- Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research,²⁵ the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.²⁶
- Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
 - o The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - o Either the local government or the tribe, acting in good faith and after reasonable effort concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.²⁷

NAHC Recommendations for Cultural Resource Assessments:

- Contact the NAHC for:
 - o A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - o A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures
 - The request form can be found at <http://naic.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=10691) for an archaeological records search. The records search will determine:
 - o If part or the entire APE has been previously surveyed for cultural resources
 - o If any known cultural resources have been already been recorded on or adjacent to the APE.
 - o If the probability is low, moderate, or high that cultural resources are located in the APE.
 - o If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - o The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - o The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- o Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- o Treating the resource with cultural appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
- o Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- o Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.²⁸
- o Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.²⁹

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

²⁵ Gov. Code § 65302.3 (a)(2).

²⁶ Pursuant to Gov. Code section 53040.2

(Gov. Code § 65302.3 (b)).

²⁷ Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 16)

²⁸ (Ck. Code § 815.3 (c)).

²⁹ (Pub. Resources Code § 5097.993).

- o Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.²⁵ In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5007.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

²⁵ per Cal. Code Regs., tit. 14, section 15064.5(i) (CEQA Guidelines section 15064.5(i)).

City Response to Agency Comments



FILE COPY



201 North Lassen • Willows, California 95988 • (530) 934-7041 • FAX: (530) 934-7402

January 25, 2017

Frank Lienert, Associate Governmental Program Analyst
 Native American Heritage Commission
 1550 Harbor Blvd., Suite 100
 West Sacramento, CA 95691
nahc@nahc.ca.gov

**Re: City of Willows, Willows Gateway Mitigated Negative Declaration (MND)
 SCH # 2017012027
 City File Number: TM13-01, UP-16-08
 AB 52 Compliance**

Dear Mr. Lienert:

We are responding to your letter of January 18, 2017, regarding the absence of California Native American Tribes' consultation for the proposed Gateway Center Tentative Map. (letter attached)

The City of Willows (Glenn County) recently distributed the Willows Gateway MND to your office for review. As described in the MND, the project site is located on an 8.72-acre parcel (APN 017-170-033) at the northeast portion of the intersection of Interstate 5 and County Road 57. The project includes subdividing the parcel into four lots for future commercial uses, including a hotel, a fast-food restaurant, a sit-down restaurant and an automobile service station, along with accessory signage and supporting infrastructure.

After preparing and circulating the MND for public review on January 9, 2017, we learned that the Resources Agency has finalized the CEQA Guidelines Appendix G checklist pursuant to AB 52, and now includes Section XVII, Tribal Cultural Resources. This letter is to inform you that the MND does not include Section XVII (or equivalent), or an Executive Summary. To date, no local or regional tribe has formally requested AB 52 notification. In light of this, we propose to attach the following language to the MND that is posted on the City's website and provided in print at the public counter and in the public library:

After publication of this Draft Mitigated Declaration (MND), the City learned that the Guidelines of the California Environmental Quality Act (CEQA), Appendix G, were revised and adopted in September 2016. The revised Guidelines require lead agencies to address Tribal Cultural Resources as a subject separate from "Cultural Resources," which include historical, archeological, and paleontological resources. Accordingly, the following language and analysis are hereby added to the MND:

15(b). Tribal Cultural Resources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"The City of Willows is an equal opportunity provider"

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.4(k), or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Discussion: No Native American tribes traditionally or culturally affiliated with the project area or with the City in general have to date requested notification about projects subject to the California Environmental Quality Act pursuant to AB 52 requirements. As noted in the Project Description, the project site has been used for rice farming since at least 1952, and has a high level of disturbance. No recorded prehistoric or historic sites have been identified on the subject property or in the project area. The project site contains no known archeological resources, paleontological resources, or unique geologic sites. No human remains are likely to be encountered, as the project site has not been known to be used as a burial ground. Nonetheless, the possibility of encountering undiscovered California Native American resources remains during site preparation. Mitigation Measure 40 below supplements Cultural Resources Mitigation Measure 6 and incorporates CEQA Guidelines § 15064.5(e) and (f) requiring specific actions to be taken in the event human remains or other potential tribal resources are discovered. With this mitigation, remaining impacts to tribal resources are anticipated to be less than significant. (a, b).

40. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

- (1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. The coroner of Glenn County is contacted to determine that no investigation of the cause of death is required, and
 - b. If the coroner determines the remains to be Native American:
 - i. The coroner shall contact the Native American Heritage Commission within 24 hours.

- ii. The Native American Heritage Commission shall identify the person or persons believed to be the most likely descendant of the deceased Native American.
- iii. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code § 5097.98, or

(2) Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance, unless:

- i. The Native American Heritage Commission is unable to identify the most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the Commission.
- ii. The descendant identified fails to make a recommendation; or
- iii. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The City believes that this language is sufficient to comply with the intent and purpose of AB 52, and with CEQA Guidelines § 15064.5. We hope that this action precludes revising and re-circulating the MND, so that the proposed project may move forward without undue delay.

Thank you for your attention. If you would like to speak to me regarding this letter, please contact me at 530-934-7041, on Wednesdays when I am in my office at City Hall, or email me at kmantele@cityofwillows.org at your convenience.

Regards,



Karen Mantele
Principal Planner
City of Willows

cc: Governor's Office of Planning and Research, California State Clearinghouse