



**CITY OF CORNING
PLANNING COMMISSION AGENDA
TUESDAY, AUGUST 18, 2015
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL:

**Commissioners: Barron
Poisson
Mesker
Hatley
Chairman: Robertson**

C. MINUTES:

1. Waive the reading and approve the Minutes of the July 21, 2015 meeting with any necessary corrections:

D. INTRODUCTIONS:

2. Introduction of new Planning Commissioner Douglas Hatley Jr.

E. BUSINESS FROM THE FLOOR: If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, and briefly identify the matter you wish to have placed on the Agenda. The Commission will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Commission from taking formal action on the issue, however unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.

F. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

3. Planning Commission consider recommendation to the City Council to adopt and certify the Draft Environmental Impact Report (DEIR) – SCH#2015052037, as a Final EIR (FEIR) prepared for the 2014-2034 City of Corning General Plan Update, and additionally, consider a recommendation to the City Council to consider for adoption General Plan Amendment 2015-01, the 2014-2034 City of Corning General Plan Update.

G. REGULAR AGENDA: All items listed below are in the order which we believe are of most interest to the public at this meeting. However, if anyone in the audience wishes to have the order of the Agenda changed, please come to the podium, and explain the reason you are asking for the order of the Agenda to be changed.

H. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

I. ADJOURNMENT:

POSTED: FRIDAY, AUGUST 14, 2015



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PLANNING COMMISSION AGENDA**

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794 THIRD STREET
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H. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

I. ADJOURNMENT:

POSTED: FRIDAY, AUGUST 14, 2015



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, JULY 21, 2015
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

A. CALL TO ORDER: 6:30 p.m.

Chairperson Robertson asked for a moment of silence in remembrance of Planning Commissioner Ryan Reilly who unexpectedly passed away on June 18, 2015.

B. ROLL CALL:

Commissioners: Vacant
Barron
Poisson
Mesker
Chairman: Robertson

All members were present with one vacancy on the Commission.

C. MINUTES:

1. **Waive the reading and approve the Minutes of the following meetings with any necessary corrections:**
 - a) **May 19, 2015 Planning Commission Meeting; and**
 - b) **June 16, 2015 Planning Commission Meeting**

Commissioner Barron moved to approve the Minutes of the May 19, 2015 and June 16, 2015 Planning Commission Meetings. Commissioner Poisson seconded the motion. **Ayes: Robertson, Barron Poisson and Mesker. Absent/Abstain/Opposed: None. Motion was approved by a 4-0 vote with one vacancy on the Commission.**

D. BUSINESS FROM THE FLOOR: None.

E. PUBLIC HEARINGS:

2. **Use Permit 2015-274; Kimberly Freeman:**

Establish a message therapy business within an existing salon known as the "Red Door Hair Salon" located along the north side of Solano Street at the Solano/5th Street Intersection. Address: 1302 Solano St.; APN: 71-131-05.

Planning Consultant John Stoufer, having acknowledged that Ms. Freeman was present briefed the Commissioners on the Use Permit Application. He stated that neighbors within 300 feet had been notified and Staff had received no comments. Chairperson Robertson opened the public hearing, having received no comments other than by the applicant, the public hearing was closed.

Commissioner Mesker moved to adopt the five Factual Subfindings and Legal Findings as presented in the Staff Report and approve Use Permit 2015-274 subject to the three Conditions of Approval as recommended by Staff. Commissioner Poisson seconded the motion. **Ayes: Robertson, Barron Poisson and Mesker. Absent/Abstain/Opposed: None. Motion was approved by a 4-0 vote with one vacancy on the Commission.**

By consensus of the Commission, Item #4 was moved on the Agenda for discussion prior to Item #3, a Public Hearing on the 2014-2034 General Plan Update Draft Environmental Impact Report (DEIR).

4. **General Plan Conformity and Appropriate Use Determination:**

Determine if use of the previous court building located at the southwest corner of the Hoag St./Yolo St. Intersection as an Adult Day Support Center for adults with developmental disabilities is in conformity with the General Plan and an appropriate use in a P-Q, Public/Quasi Public Use Zoning District.

Address: 720 Hoag Street; APN: 71-121-08.

Planning Consultant John Stoufer briefed the Commission on this item and introduced Mr. DeFries, representative present tonight on behalf of North Valley Service, operators of the Adult Day Support Center. Mr. Stoufer announced that City Staff is in full support of this proposed use.

The City of Corning is an Equal Opportunity Provider and Employer

Mr. DeFries briefed the Commission on their Agency, the number of employees they expect to employ, and the number of day support center users they anticipate serving. He further stated that they plan to do as much of their purchasing locally as possible.

Commissioner Poisson moved to adopt the five (5) Factual Subfindings and Legal Findings as provided in the Staff Report and find that the establishment of an Adult Day Support Center for Adults with Developmental Disabilities in the building located at 720 Hoag Street is in conformity with the Corning General Plan and an appropriate use by right in the P-Q Zoning District. Commissioner Barron seconded the motion. **Ayes: Robertson, Barron Poisson and Mesker. Absent/Abstain/Opposed: None. Motion was approved by a 4-0 vote with one vacancy on the Commission.**

Continuation of E. PUBLIC HEARINGS:

3. 2014-2034 General Plan Update Draft Environmental Impact Report (DEIR):

Take comments from agencies and the general public on the DEIR being circulated for the 2014-2034 City of Corning General Plan Update.

Chairperson Robertson opened the Public Hearing at 6:50 p.m. Planning Consultant John Stoufer announced that the 45 day comment period will close on August 7th.

Commissioner Poisson: Stated that the document is very well written and extremely informative.

Chairperson Robertson: Stated that she mostly found editing issues such as Blackburn Moon Drain, was often times listed as Mood instead of Moon. Mr. Diaz asked for her copies to make the necessary corrections. She also stated some confusion on contents listed on page 31; Mr. Diaz explained that this information was historical. Also mentioned was section 4.7.3. – stating that the paragraph didn't seem to fit and possibly doesn't belong here.

Pg. 4-65: Public Schools, Rancho Tehama School is not in the City Limits and Centennial High School and C-Cal on North Street were not listed.

Solid Waste, Pg. 4-68: Did Phase I of the Landfill close in 2008? This will be confirmed.

Commissioner Mesker: Standards for evaluating light and glare...the City of Corning currently doesn't have any; he stated that it might be something the City would like to explore. Mr. Diaz stated that possibly this can be looked at under "Aesthetics", and Mr. Stoufer suggested this be reviewed under zoning and on a "case by case" basis for design standards. He also mentioned the Circulation (Page 4.38); asking whether this takes into consideration the change in lane correlation on Solano Street; Mr. Diaz stated no, it basically addresses capacity and congestion of City Streets.

Public Hearing was closed at 7:36 p.m.

F. REGULAR AGENDA: See above.

G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.

Commission discussed placing an acknowledgement/dedication to Ryan Reilly in the final 2014-2034 General Plan Update..

H. ADJOURNMENT: 7:40 p.m.

Lisa M. Linnet, City Clerk

**ITEM NO. F-3
CONSIDER RECOMMENDATION TO
THE CITY COUNCIL TO ADOPT AND
CERTIFY THE DRAFT
ENVIRONMENTAL IMPACT REPORT
AS A FINAL EIR FOR THE 2014-2034
GENERAL PLAN UPDATE AND
ADDITIONALLY CONSIDER A
RECOMMENDATION TO THE CITY
COUNCIL FOR ADOPTION OF
GENERAL PLAN AMENDMENT 2015-
01, THE 2014-2034 CITY OF CORNING
GENERAL PLAN UPDATE.**

AUGUST 18, 2015

TO: CITY OF CORNING PLANNING COMMISSION

FROM: JOHN STOUFER, PLANNING CONSULTANT 

SUMMARY:

The California Environmental Quality Act (CEQA) provides guidelines for the implementation of the law. CEQA Guidelines, Sections 15080 to 15097, provides requirements for the EIR Process. Pursuant to these guidelines the Draft Environmental Impact Report (DEIR) was circulated for a 45 day review and comment period by Responsible and Trustee Government Agencies and the general public.

In compliance with CEQA guidelines a Notice of Completion (attached in Exhibit "A" information) with copies of the DEIR was sent to the State Clearinghouse (SCH#2015052037) for distribution to selected state agencies. Copies of the DEIR were also sent directly from the City to the following agencies; Department of Fish & Wildlife (formerly Fish & Game), Tehama County Public Works, Planning, and Air Pollution Control Offices, and Caltrans District 2. A public hearing to receive comments on the DEIR was held by the Planning Commission on July 21, 2015. No public or written comments were received at this hearing.

The 45 day review period closed on August 7, 2015 and on August 10, 2015 the City received a letter from the State Clearinghouse (attached in Exhibit "A" information) acknowledging that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. Included with the letter are comments from responding agencies that were submitted during the review period. Comments in an email that the City received from Barbara O'Keeffe, Tehama

County Public Works, Deputy Director Transportation, commenting on the Circulation Element is included with these comment letters. The City did not receive any additional comments from the Tehama County Public Works Department.

Please note that the State Clearinghouse letter references Section 21104(c) of the California Public Resources Code that states: *"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."*

Section's 15088, Evaluation of and Response to Comments, 15088.5, Recirculation of an EIR prior to Certification, 15089, Preparation of Final EIR, and 15090, Certification of the Final EIR, from the CEQA Guidelines are attached as (Exhibit "C").

Pursuant to Section 15088 the City prepared a response to comments (attached in Exhibit "A" information). There was no new significant information added to the DEIR that would require recirculation of the DEIR prior to certification. Section 15132, Contents of Final Environmental Report, as referenced in Section 15089 of the Guidelines, states The Final EIR shall consist of:

- (a) The draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the lead agency.

In the CEQA Guidelines there is a discussion section that discusses Section 15132 as follows: *"This section is necessary in order to explain the difference between a draft EIR and the final EIR which is ultimately considered by the decision-makers in each agency prior to granting an approval for a project. The final EIR is a necessary document because it brings together a number of subjects such as comments and responses to comments which would not be available in the draft EIR that is sent out for review. The list of contents is also necessary in order to show that the findings on the feasibility of avoiding or reducing significant effects and the statement of overriding considerations are not a part of the final EIR. The findings and the statement of overriding*

considerations are made after decision-makers have considered the final EIR. The findings and statement are included in the public record but not in the final EIR.

ACTION:

MOVE TO RECOMMEND THAT THE CITY COUNCIL ADOPT AND CERTIFY THE DRAFT ENVIRONMENTAL IMPACT REPORT, SCH#2015052037, WITH THE RESPONSE TO COMMENTS INCULDED AS A FINAL ENVIRONMENTAL IMPACT REPORT IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ITS GUIDELINES.

AND,

MOVE TO RECOMMEND THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT 2015-01 AND ADOPT THE 2014-2034 CITY OF CORNING GENERAL PLAN UPDATE.

ATTACHMENTS:

Exhibit "A" Chapter Nine Comment Letters and Response to Comments

Exhibit "B" Draft General Plan Revisions

Exhibit "C" CEQA Guidelines Sections 15088, 15088.5, 15089, 15090

Exhibit "A"

CHAPTER NINE

COMMENT LETTERS AND RESPONSES TO COMMENTS

This document identifies the list of persons, organizations, and public agencies commenting on the Draft EIR (DEIR) during the State Clearinghouse 45-day review period beginning on June 26 and ending August 7, 2015. The letters are provided in **Section 9.1 – COMMENT LETTERS**. The responses by the City of Corning as Lead Agency to significant environmental points and issues raised during the comment periods are provided in **Section 9.2 – RESPONSES TO COMMENT LETTERS**.

9.1 COMMENT LETTERS

Draft EIR

- | | | |
|---|-----------------|---|
| A | August 10, 2015 | State of California Governor's Office of Planning and Research – State Clearinghouse and Planning Unit – Scott Morgan |
| B | July 30, 2015 | State of California Department of Fish and Game – Curt Babcock, Habitat Conservation Program Manager |
| C | July 30, 2015 | Tehama County Public Works & Transportation Commission (E-Mail) – Barbara O'Keeffe |
| D | August 5, 2015 | Tehama County Cooperative Fire Protection – Fire Protection Planning Bureau – Matt Chamberlin, Assistant Chief, Acting Fire Marshal |



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

August 10, 2015

John Stoufer
City of Corning
794 Third Street
Corning, CA 96021

Subject: 2014-2034 Corning General Plan
SCH#: 2015052037

Dear John Stoufer:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 7, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015052037
Project Title 2014-2034 Corning General Plan
Lead Agency Corning, City of

Type EIR Draft EIR
Description A 20 year update for the City of Corning General Plan with a focus on implementing the goals, policies and objectives from the 2009-2014 Housing Element Update.

Lead Agency Contact

Name John Stoufer
Agency City of Corning
Phone (530) 824-7036 **Fax** 530-824-2489
email jstoufer@corning.org
Address 794 Third Street
City Corning **State** CA **Zip** 96021

Project Location

County Tehama
City Corning
Region
Lat / Long 39° 55' 41" N / 122° 10' 47" W
Cross Streets Entire City - all streets located within City Limits
Parcel No. Entire City
Township 24N **Range** 3W **Section** 14-28 **Base** MDB&M

Proximity to:

Highways I-5
Airports Corning Airport
Railways UPRR, CNFR
Waterways Jeweet & Burch Creeks
Schools Corning ES & HS
Land Use Varies throughout the City with Residential, Commercial, Industrial, and Public Lands being the predominant designations

Project Issues Agricultural Land; Forest Land/Fire Hazard; Air Quality; Biological Resources; Archaeologic-Historic; Cumulative Effects; Geologic/Seismic; Other Issues; Growth Inducing; Toxic/Hazardous; Water Quality; Landuse; Noise; Public Services; Traffic/Circulation; Water Supply

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 1; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 2; Department of Housing and Community Development; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Redding); Native American Heritage Commission; Public Utilities Commission

Date Received 06/24/2015 **Start of Review** 06/24/2015 **End of Review** 08/07/2015

CLEAR
8715
E

Memorandum

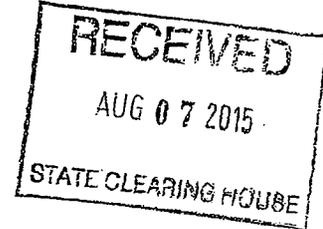
To: Keith Larkin, Chief
Northern Region
Department of Forestry and Fire Protection

Date: June 30, 2015
R13

Attention: Environmental Coordinator
Tehama-Glenn Unit

Telephone: (916) 653-4995

From: Department of Forestry and Fire Protection
Chris Browder, Deputy Chief
Environmental Protection



Subject: Environmental Document Review

Project Name: 2014-2034 General Plan Update
SCH #: 2015052037
Document Type: Draft Environmental Impact Report (DEIR)

Potential Area(s) of Concern: Fire Protection?;
Other:

MANDATED DUE DATE: 8/7/2015

The above referenced environmental document was submitted to State Headquarters, Environmental Protection for review under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). The proposed project, located within your Unit/Program Area, may have an impact upon the Department's fire protection and/or natural resource protection and management responsibilities or require the Department's permits or approval. Your determination of the appropriate level of CAL FIRE involvement with this project is needed. Please review the attached document and address your comments, if any, to the lead agency prior to the due date. Your input at this time can be of great value in shaping the project. If your Unit's Environmental Coordinator is not available, please pass on to another staff member in order to meet the mandated deadline.

Please submit comments directly to the lead agency before the mandated due date with copy to the State Clearinghouse (P.O. Box 3044, Sacramento, CA 95812-3044).

No Comment - explain briefly on the lines below.

Name and Title of Reviewer: Matt Chamblin - Assistant Chief
Phone: (530) - 528-5199 Email: matt.chamblin@fire.ca.gov

Note: Please complete this form and return it, with a copy of any comments, for CAL FIRE's records to: Ken Nehoda or Chris Browder, Deputy Chief, Environmental Protection, P.O. Box 944246, Sacramento CA 94244-2460.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



July 30, 2015

Mr. John Stoufer
Planning Director
City of Corning
794 Third Street
Corning, CA 96021

Subject: Draft Environmental Impact Report, 2014-2034 Corning General Plan Update, City of Corning, State Clearinghouse Number 2015052037

Dear Mr. Stoufer:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Environmental Impact Report (DEIR) for the 2014-2034 Corning General Plan Update and the draft City of Corning 2014-2034 General Plan Update documents. As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on the DEIR and General Plan Update in our role as the State's trustee for fish and wildlife resources, and as a responsible agency under the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq.

Project Description

The Project is an update to the City of Corning's (City) General Plan. As described in the DEIR the,

"proposed General Plan Update provides Goals, Objectives, Policies, and Implementation Measures consistent with the intent of Government Code Sections 65300 and 65300.0, which would guide the future growth of the City. The General Plan Update would also provide a comprehensive framework for the City's subsequent adoption of a wide range of policy documents, standards, specific plans, and regulations."

The General Plan was provided as two separate documents: the DEIR and the draft General Plan Update.

Comments and Recommendations

The Department appreciates the opportunity to comment on the project, relative to impacts to biological resources. The Department recognizes that the 2014-2034 Corning General Plan Update DEIR is a programmatic document, that mitigation and implementation measures are not developed for specific projects, and that future development proposals must comply with CEQA. Based on this understanding, the Department has the following comments on the DEIR and draft General Plan Update.

Conserving California's Wildlife Since 1870

Mr. John Stoufer
City of Corning
July 30, 2015
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The Department supports the General Plan goal that the "*Geographic distribution and the timing of growth shall be directly related to the conservation of natural resources...*" as well as the intention of the Natural Resources Group to minimize impacts of future development on natural resources and create and enhance important habitat and open space areas. Additionally, we appreciate the Policies and Implementation Measures developed to protect sensitive natural resources.

Draft General Plan Update

The Biological Resources Section of the Natural Resources Group should include the following revisions:

(1) Policy BR-a:

(a) In addition to rare, endangered, or threatened species as designated by federal and State resource agencies, CEQA also requires that special emphasis be placed on resources that are rare or unique to the region (CEQA Guidelines § 15125). Agency coordination should occur regarding California Species of Special Concern; Fully Protected species as defined in FGC sections 3511, 4700, 5050, and 5515; California Native Plant Society Rare Plant Rank plant species; and any species that can be shown to be rare pursuant to CEQA Guidelines section 15380.

(2) Implementation Measure BR-(1):

(a) Incorporate the following additional language, shown in bold:

*"Ensure that open space corridors along creeks and wetlands, **including vernal pools**, include protective buffers (non-development setbacks), preserve existing riparian vegetation through the environmental review process and require minimum setbacks from **the edge of the riparian dripline or the top-of-bank along creeks and surrounding wetlands, whichever is greater.**"*

(3) Implementation Measure BR-(2):

(a) Include the U.S. Fish and Wildlife Service in the list of coordinating agencies. Because local streams are tributary to the Sacramento River, coordination with the National Oceanic and Atmospheric Administration may also be necessary.

The Department supports the Goals, Objectives, Policies, and Implementation Measures provided under Water Resources and appreciates the exploration of the use of alternate storm water collection methods, including the low-impact development (LID) methods of detention/retention basins and vegetated bioswales. The Department supports the use of LID strategies because they minimize impacts to aquatic habitats by filtering out pollution, preventing increased peak flows and related erosion, and because they increase ground water recharge and therefore help maintain biologically-important summer low flows in nearby streams.

Mr. John Stoufer
City of Corning
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Page 3

The Land Use section discusses the reclassification of parcels listed in Appendix A and the rezoning of these parcels within one year after the adoption of the General Plan Update. The Department recommends analyzing the potential impacts to these parcels due to the rezone if impacts to biological resources will occur. This is especially important for changes to parcels that will allow development through ministerial decisions. Special attention should be given to parcels changing from the Open Space designation, parcels containing sensitive natural habitats such as riparian, wetland or vernal pool habitats, and parcels containing or adjacent to land containing special status species or special status species habitat.

Objective E-4 of the Energy Element is to evaluate and establish outdoor lighting standards. The Department recognizes the effects of artificial lighting on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that the lighting standards require lighting fixtures to be downward facing, fully-shielded and designed and installed to minimize photo-pollution.

Draft Environmental Impact Report

Under Regulatory Framework, the DEIR discusses the U.S. Army Corps of Engineers' jurisdiction over wetlands, but does not discuss the Department's responsibility for wetland resources, including vernal pools and ephemeral, seasonal, and perennial watercourses. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands, and to ensure that proposed projects will result in no net loss of wetland habitat values or acreage. The Department recommends avoiding any development or conversion which would result in a reduction of wetland or riparian acreage or wetland or riparian habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland or riparian habitat values or acreage. Analysis of potential impacts to wetlands and sensitive wetland species should include an evaluation of the potential for direct, indirect, and cumulative impacts to these resources. Indirect impacts to wetlands may include hydrological changes, human intrusion into wetlands (off-road vehicle use, dumping, spilling toxic substances) and the drainage of lawn fertilizers, pesticides, and petroleum products into the wetland. Direct impacts to these features should be avoided to the greatest extent possible and secondary impacts reduced through implementation of adequate non-disturbance development buffers.

The Department recommends the inclusion of mitigation measures contained in the City of Corning Housing Element Update 2009–2014, which pertain to adverse effects on wetlands if there is any possibility that future development could impact wetlands or vernal pool habitats.

Under the Migratory Bird Treaty Act (MBTA) discussion, the Department appreciates the inclusion of measures to ensure compliance with the MBTA. Because of the potential presence of burrowing owl (*Athene cunicularia*) in the vicinity of the City, the Department recommends changing the onset of the nesting season to February 1. The Department's 2012 *Staff Report on Burrowing Owl Mitigation*¹ cites the typical breeding season for burrowing owls as occurring between February 1 and August 31.

¹ Department of Fish and Game Staff Report on Burrowing Owl Mitigation, March 7, 2012.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>

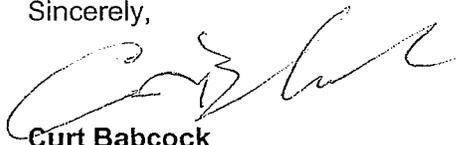
Mr. John Stoufer
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Page 4

The discussion regarding CESA should include clarification that pursuant to FGC section 2085, CESA confers full legal protection of an endangered or threatened species on a candidate species.

The discussion regarding FGC section 3503.5 should also include discussion of FGC section 3503 which prohibits the needless destruction of bird nests.

The Department appreciates the opportunity to provide comments on the DEIR. If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138 or by e-mail at Kristin.Hubbard@wildlife.ca.gov.

Sincerely,



Curt Babcock
Habitat Conservation Program Manager

ec: John Stoufer
City of Corning
lstoufer@corning.org

Eihnard Diaz
Diaz Associates
ediaz@diazplanning.com

Kristin Hubbard, Amy Henderson, and Michael R. Harris
California Department of Fish and Wildlife
Kristin.Hubbard@wildlife.ca.gov, Amy.Henderson@wildlife.ca.gov,
Michael.R.Harris@wildlife.ca.gov

State Clearinghouse
state.clearinghouse@opr.ca.gov

-----Original Message-----

From: Barbara O'Keeffe [mailto:bokeeffe@tcpw.ca.gov]

Sent: Thursday, July 30, 2015 8:03 PM

To: John Stoufer <jstoufer@corning.org>

Cc: Gary Antone <gantone@tcpw.ca.gov>; Kevin Rosser <krosser@tcpw.ca.gov>; Adam Hansen <ahansen@tcpw.ca.gov>; Lisa Little <llittle@tcpw.ca.gov>; John Brewer <jbrewer@corning.org>; Dawn Grine (dgrine@corning.org) <dgrine@corning.org>

Subject: Corning General Plan -- comments from Tehama County Public Works & Transportation Commission

Hello John,

I'm a bit panicked as I discovered this email in my DRAFT box. I am sorry.

At Gary's direction, Kevin Rosser our Senior Civil Engineer and the Transportation Commission's Sr. Planner's Adam Hansen and Lisa Little reviewed the Corning General Plan Circulation element to insure the City's Plan is consistent with the County General Plan and the Regional Transportation Plan.

We read through the document and find the Circulation Element is minimally presented. We then reviewed the County General Plan for an example and comparison.

We would suggest Mr. Diaz review the County General Plan and expand the Corning General Plan Circulation Element.

The current draft does not describe: current conditions, all modes of transportation and how they are used (including bicycle use, pedestrian use, or transit), reference the County General Plan or the TCTC RTP, discuss I-5 or South Avenue.

The document needs to show how it ties into the county and state transportation system.

The circulation map needs to reference the existing Functional Classification of the roadway system per Caltrans/FHWA. The CRS maps are available online. The document references the circulation map as having future collector roads [C-(11)] but none are shown on the map as future collector roads. Two maps would be useful here: existing conditions and future needs.

Heads up, I believe Kevin, wrote comments in the DEIR pdf and I will have to follow up with him and get those to you.

I believe that Lisa spoke with you and mentioned that the City's coordination with the County Public Works and Commission staff are eligible for reimbursement. I'm out of the office tomorrow; however, I'll give you a call on Monday.

Stay cool and hydrated. Thank you.

Barbara O'Keeffe

Deputy Director - Transportation

Tehama County Transportation Commission & Transit Agency

530-385-1462 ext. 3017

TEHAMA COUNTY COOPERATIVE FIRE PROTECTION

Fire Protection Planning Bureau

604 Antelope Blvd., Red Bluff, California 96080, (530) 528-5199 Office, (530) 529-8538 Fax



City of Corning
794 Third Street
Corning, CA 96021
C/O John Stoufer

August 5th, 2015

RE: City of Corning General Plan Update 2014-2034 & Draft EIR

Mr. Stoufer,

The following is the response from The California Department of Forestry and Fire Protection (CAL FIRE) Tehama-Glenn Unit (TGU) and Tehama County Fire Department (TCFD), in regards to the City of Corning 2014-2034 General Plan Update:

The City of Corning does not contain any State Responsibility Area (SRA) land, nor is it surrounded by SRA land which is the financial responsibility of CAL FIRE for wild land fire suppression. Therefore, CAL FIRE has no further comment on the 2014-2034 General Plan Update.

Fire and other emergency services to the unincorporated land immediately surrounding the City of Corning are the responsibility of TCFD, which is administered through a cooperative agreement with CAL FIRE.

The unincorporated lands surrounding the City Limits of Corning are rated "Moderate" for Wild Land Fire Severity.

TCFD has no further comment regarding the prepared Draft Environmental Impact Report or 2014-2034 General Plan Update.

If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Chamblin', is written over a faint, larger version of the same signature.

Matt Chamblin
Assistant Chief – Acting Fire Marshal
CAL FIRE / TCFD

9.2 RESPONSES TO COMMENT LETTERS

COMMENT LETTER A

August __, 2015 – State of California Governor’s Office of Planning and Research – State Clearinghouse and Planning Unit – Scott Morgan

This letter is just an acknowledgement by the State Clearinghouse that they have received the environmental document and are submitting the DEIR to select state agencies for review and comment.

COMMENT LETTER B

May 15, 2015 – County of Tehama Department of Agriculture/Weights and Measures – Rich Gurrola, Tehama County Agricultural Commissioner

Comment B-1

The Tehama County Department of Agriculture has no statutory responsibilities related to the proposed project. However, as development occurs adjacent to agricultural properties there needs to be an awareness of the impacts that may occur to pre-existing agricultural operations, including dust, noise, odor and pesticide applications.

Response B-1

There are no agricultural land use designated lands in the City. Whereas, there exists some agricultural production, primarily olive orchards, they are located along the periphery of the City I. As a component of the CEQA review process for a proposed project, consideration of potential adverse impacts to pre-existing agricultural operations and potential adverse agricultural impacts on the proposed project will be considered.

COMMENT LETTER C

July 30, 2015 – State of California Department of Fish and Game – Curt Babcock, Habitat Conservation Program Manager

Comment C-1

The Department recognizes that the 2014-2034 Corning General Plan Update DEIR is a programmatic document, that mitigation and implementation measures are not developed for specific projects, and that future development proposals must comply with CEQA.

Response C-1

Comment noted.

Comment C-2

The Department supports the General Plan goal that the "Geographic distribution and the timing of growth shall be directly related to the conservation of natural resources..." as well as the intention of the Natural Resources Group to minimize impacts of future development on natural resources and create and enhance important habitat and open space areas. Additionally, the Department appreciates the Policies and Implementation Measures developed to protect sensitive natural resources.

Response C-2

Comment noted.

Comment C-3

The Biological Resources Section of the Natural Resources Group should include the following revisions:

(1) Policy BR-a:

- (a) In addition to rare, endangered, or threatened species as designated by federal and State resource agencies, CEQA also requires that special emphasis be placed on resources that are rare or unique to the region (CEQA Guidelines § 15125). Agency coordination should occur regarding California Species of Special Concern; Fully Protected species as defined in FGC sections 3511, 4700, 5050, and 5515; California Native Plant Society Rare Plant Rank plant species; and any species that can be shown to be rare pursuant to CEQA Guidelines section 15380.

Response C-3

Policy BR-a has been revised and will read as stated in the comment.

Comment C-4

The Biological Resources Section of the Natural Resources Group should include the following revisions:

(2) Implementation Measure BR-(1):

- (a) Incorporate the following additional language, shown in bold:

"Ensure that open space corridors along creeks and wetlands, **including vernal pools**, include protective buffers (non-development setbacks), preserve existing riparian vegetation through the environmental review process and require minimum setbacks from **the edge of the riparian dripline or the top-of-bank along creeks and surrounding wetlands, whichever is greater.**"

Response C-4

Implementation Measure BR-(1) has been revised to include the additional language, shown in bold.

Comment C-5

The Biological Resources Section of the Natural Resources Group should include the following revisions:

(3) Implementation Measure BR-(2):

- (a) Include the U.S. Fish and Wildlife Service in the list of coordinating agencies. Because local streams are tributary to the Sacramento River, coordination with the National Oceanic and Atmospheric Administration may also be necessary.

Response C-5

Implementation Measure BR-(2) has been revised to include the U.S. Fish and Wildlife Service in the list of coordinating agencies.

Comment C-6

The Department supports the Goals, Objectives, Policies, and Implementation Measures provided under Water Resources and appreciates the exploration of the use of alternate storm water collection methods, including the low-impact development (LID) methods of detention/retention basins and vegetated

bioswales. The Department supports the use of LID strategies because they minimize impacts to aquatic habitats by filtering out pollution, preventing increased peak flows and related erosion, and because they increase ground water recharge and therefore help maintain biologically-important summer low flows in nearby streams.

Response C-6

Comment noted.

Comment C-7

The Land Use section discusses the reclassification of parcels listed in Appendix A and the rezoning of these parcels within one year after the adoption of the General Plan Update. The Department recommends analyzing the potential impacts to these parcels due to the rezone if impacts to biological resources will occur. This is especially important for changes to parcels that will allow development through ministerial decisions. Special attention should be given to parcels changing from the Open Space designation, parcels containing sensitive natural habitats such as riparian, wetland or vernal pool habitats, and parcels containing or adjacent to land containing special status species or special status species habitat.

Response C-7

The City will analyze potential impacts to biological resources when the parcels listed in Appendix A are considered for rezoning.

Comment C-8

Objective E-4 of the Energy Element is to evaluate and establish outdoor lighting standards. The Department recognizes the effects of artificial lighting on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that the lighting standards require lighting fixtures to be downward facing, fully-shielded and designed and installed to minimize photo-pollution.

Response C-8

The following language that is underlined, shall be incorporated into the second paragraph, as the fourth sentence on page 4-7 in the General Plan Update EIR, Section **4.1 BIOLOGICAL RESOURCES**, Sub-Section **4.1.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**, under **B. Thresholds of Significance** Number 2:

*Future development of existing and future parcels are located in areas that are either disturbed and/or surrounded by existing development. It is highly unlikely that special species are present. However, when discretionary approvals are sought, the CEQA process, which also requires consultation with responsible and trustee resource agencies, such as the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, will identify the type of biological studies that will be required, when necessary. Evaluations shall also consider potential impacts from artificial light on wildlife habitat. The potential impact to special status species is **less-than-significant**. Therefore, **no mitigation measures** are required.*

Comment C-9

Under Regulatory Framework, the DEIR discusses the U.S. Army Corps of Engineers' jurisdiction over wetlands, but does not discuss the Department's responsibility for wetland resources, including vernal pools and ephemeral, seasonal, and perennial watercourses. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands, and to ensure that proposed projects will result in no net loss of wetland habitat values or acreage. The Department recommends avoiding any development or conversion which would result in a reduction of wetland or riparian acreage or wetland or riparian habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland or riparian habitat values or acreage. Analysis of potential impacts to wetlands and

sensitive wetland species should include an evaluation of the potential for direct, indirect, and cumulative impacts to these resources. Indirect impacts to wetlands may include hydrological changes, human intrusion into wetlands (off-road vehicle use, dumping, spilling toxic substances) and the drainage of lawn fertilizers, pesticides, and petroleum products into the wetland. Direct impacts to these features should be avoided to the greatest extent possible and secondary impacts reduced through implementation of adequate non-disturbance development buffers.

Response C-9

The following language that is underlined, shall be the third paragraph on page 4-6 in the General Plan Update EIR, Section **4.1 BIOLOGICAL RESOURCES**, Sub-Section **4.1.2 REGULATORY FRAMEWORK** under the **California Department of Fish and Wildlife** heading. The paragraph will be placed under a new sub-heading titled **Wetland Habitat** and will state:

Wetland Habitat

It is the policy of the CDFW to strongly discourage development in wetlands or conversion of wetlands to uplands, and to ensure that proposed projects will result in no net loss of wetland habitat values or acreage. The CDFW recommends avoiding any development or conversion which would result in a reduction of wetland or riparian acreage or wetland or riparian habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland or riparian habitat values or acreage. Analysis of potential impacts to wetlands and sensitive wetland species should include an evaluation of the potential for direct, indirect, and cumulative impacts to these resources. Indirect impacts to wetlands may include hydrological changes, human intrusion into wetlands (off-road vehicle use, dumping, spilling toxic substances) and the drainage of lawn fertilizers, pesticides, and petroleum products into the wetland. Direct impacts to these features should be avoided to the greatest extent possible and secondary impacts reduced through implementation of adequate non-disturbance development buffers.

Comment C-10

The Department recommends the inclusion of mitigation measures contained in the City of Corning Housing Element Update 2009-2014, which pertain to adverse effects on wetlands if there is any possibility that future development could impact wetlands or vernal pool habitats.

Response C-10

The following language, that is underlined, shall follow and replace the discussion after the third bullet point on page 4-8 in the General Plan Update EIR, Section **4.1 BIOLOGICAL RESOURCES**, Sub-Section **4.1.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**, **B. Thresholds of Significance** Number 3:

Impact BR-1

*Review of the National Wetland Inventory (NWI) map for the Corning quadrangle identified several wetland features. In addition, existing vacant parcels within the City could potentially impact Jewett Creek, Burch Creek and the Blackburn-Moon Ditch which are designated wetland features. This impact is considered **potentially significant**. Therefore, **Mitigation Measures BR-1 and BR-2** are advanced to address potential wetlands and vernal pools, with associated special status features. These measures will reduce potential impacts to a **less-than-significant level**.*

Mitigation Measure BR-1

To the extent practicable, the discharge or dredged or fill material into "waters of the U.S.", including wetlands, shall be avoided (this also includes waters not subject to Corps jurisdiction, but subject to RWQCB jurisdiction). This includes avoiding activities that would obstruct the flow

of, or alter the bed, channel, or bank of any intermittent or ephemeral creeks. If complete avoidance is implemented, no further measures are necessary. If complete avoidance is not practicable, the following measures shall be implemented:

- Prior to any discharge of dredged or fill material into "waters of the U.S.", including wetlands, authorization under a Nationwide Permit or Individual Permit shall be obtained from the Corps. For any features determined to not be subject to Corps jurisdiction during the verification process, authorization to discharge (or a waiver from regulation) shall be obtained from the RWOCB. For fill requiring a Corps permit, water quality certification shall be obtained from the RWOCB prior to discharge of dredged or fill material.
- Prior to any activities that would obstruct the flow of, or alter the bed, channel, or bank of any intermittent or ephemeral creeks, notification of streambed alteration shall be submitted to the CDFW; and, if required, a streambed alteration agreement shall be obtained.
- Construction activities that will impact "waters of the U.S." shall be conducted during the dry season to minimize erosion.
- Appropriate sediment control measures to protect avoided "waters of the U.S." shall be in place prior to the onset of construction and shall be monitored and maintained until construction activities have ceased. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be used on site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. silt fences, straw bales).
- All pedestrian and vehicular entry into "waters of the U.S.", including wetlands, to be avoided shall be prohibited during construction.
- Loss of wetlands shall be compensated at a minimum of a 2:1 creation ratio (i.e. two acres created for each acre destroyed). This can be accomplished through purchase of appropriate credits at a Corps approved mitigation bank, appropriate payment into a Corps approved in-lieu fee fund, or on-site or off-site creation, monitoring, and maintenance (as approved by the Corps or RWOCB).
- Loss of "other waters" shall be compensated through purchase of appropriate credits at an Corps approved mitigation bank, appropriate payment into an Corps approved in-lieu fee fund, or through placement of avoided waters and associated riparian buffers into a conservation easement or similar protective mechanism. The amount of avoided waters and riparian buffers to be permanently protected shall be sufficient to offset the impact and shall be determined by the Corps and the applicant during the permitting process.
- Any monitoring, maintenance, and reporting required by the regulatory agencies (i.e. Corps, RWOCB, CDFW) shall be implemented and completed. All measures contained in the permits or associated with agency approvals shall be implemented.

Mitigation Measure B-2

Conduct a USFWS protocol-level survey for the vernal pool fairy shrimp and vernal pool tadpole shrimp within suitable habitats occurring within the proposed project site, or assume the species are present. If the species are not detected during the protocol-level survey, no further measures or mitigation is required. If either of the species is detected during protocol-level surveys or the presence of the species is assumed in-lieu of conducting surveys, and proposed activities will result in direct or indirect impacts to potential habitat, the following measures shall be implemented:

- Formal consultation with the USFWS shall be initiated under Section 7 or Section 10 of the ESA, as appropriate. No direct or indirect impacts to suitable habitat for these species shall occur until Incidental Take authorization has been obtained from the USFWS.
- For every acre of habitat directly or indirectly affected, at least two vernal pool preservation credits shall be dedicated within a USFWS-approved ecosystem preservation bank. With USFWS approval, appropriate payment into an in-lieu fee fund or on-site preservation may be used to satisfy this measure.
- For every acre of habitat directly affected, at least one vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank. With USFWS approval, appropriate payment into an in-lieu fee fund, on-site creation, or off-site creation may be used to satisfy this measure.

As part of the CEQA review process, project applicants are strongly encouraged to avoid protected wetlands. If avoidance of impacts on protected wetlands is not feasible, then Mitigation Measures BR-1 and BR-2 will need to be implemented. However, the Army Corps, Regional Water Quality Control Board, and/or Department of Fish and Wildlife may still require federal permits. Therefore, in addition to the General Plan Policies and Implementation Measures, the CEQA review process, and adherence to State and federal regulations and permitting requirements would reduce potential impacts to a less-than-significant level.

Comment C-11

Under the Migratory Bird Treaty Act (MBTA) discussion, the Department appreciates the inclusion of measures to ensure compliance with the MBTA. Because of the potential presence of burrowing owl (*Athene cunicularia*) in the vicinity of the City, the Department recommends changing the onset of the nesting season to February 1. The Department's 2012 Staff Report on Burrowing Owl Mitigation' cites the typical breeding season for burrowing owls as occurring between February 1 and August 31.

Response C-11

The following language that is underlined, shall be the fourth bullet point on page 4-4 in the General Plan Update EIR, Section **4.1 BIOLOGICAL RESOURCES**, Sub-Section **4.1.2 REGULATORY FRAMEWORK** under the **U.S. Fish and Wildlife Service and NOAA Fisheries** heading and the sub-heading titled **Migratory Bird Treaty Act**:

- Due to the potential presence of burrowing owl (*Athene cunicularia*) in the vicinity of the City, the CDFW recommends that potential nesting substrate that will be removed by a proposed project should be completed outside of the nesting season (i.e. between September 1 and January 31).

Comment C-12

The discussion regarding CESA should include clarification that pursuant to FGC section 2085, CESA confers full legal protection of an endangered or threatened species on a candidate species.

Response C-12

The following language that is underlined, shall be incorporated into the first paragraph as the fourth sentence under the **California Endangered Species Act** sub-heading on page 4-5 in the General Plan Update EIR, Section **4.1 BIOLOGICAL RESOURCES**, Sub-Section **4.1.2 REGULATORY FRAMEWORK** under the **California Department of Fish and Wildlife** heading:

Pursuant to FGC section 2085, CESA confers full legal protection of an endangered or threatened species or a candidate species.

Comment C-13

The discussion regarding FGC section 3503.5 should also include discussion of FGC section 3503 which prohibits the needless destruction of bird nests.

Response C-13

FGC section 3503 states that “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” Whereas, section 3503.5 specifically references any “birds-of-prey.”

The following sentence that is underlined, shall be added to the first paragraph under the **Birds of Prey** sub-heading on page 4-6 in the General Plan Update EIR, Section **4.1 BIOLOGICAL RESOURCES**, Sub-Section **4.1.2 REGULATORY FRAMEWORK** under the **California Department of Fish and Wildlife** heading:

It should be noted that FGC section 3503 identifies that “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” Protection is thereby extended to all birds.

COMMENT LETTER D

**July 30, 2015 – Tehama County Public Works Department & Transportation Commission
(E-Mail) Barbara O’Keeffe**

Comment D-1

The Department read through the document and found that the Circulation Element is “minimally presented.” They reviewed the County General Plan for an example and comparison. It was suggested that the County General Plan be reviewed and that the Corning General Plan Circulation Element be expanded.

Response D-1

The Governor’s Office of Planning and Research (OPR) October 2003 General Plan Guidelines stated that “A general plan is required to address the specified provisions of each of the seven mandated elements listed in §65302—land use, circulation, housing, conservation, open space, noise, and safety—to the extent that the provisions are locally relevant.”¹ Utilization of the County General Plan as an example and comparison is not applicable for several reasons.

In 2014, the County had an approximate population of 63,067 persons residing in an area of approximately 2,950 square miles.² The City has a 2015 estimated population of 7,638 persons residing in an area of approximately 3.55 square miles. The County has a total of 1,041 miles (2,080 lane miles) maintained public street and roads in their system whereas, the City has 44 miles (87.4 lane miles).³

On page 33 of the OPR Guidelines it was identified that in 2003, the average cost of a general plan update was \$845,000 for counties and \$255,000 for cities. Due to inflation, in 2014 the average cost for a county would be approximately \$1,087,000 and the cost to a city cost would be approximately, \$328,000. The City of Corning had limited funds to prepare the General Plan Update and accompanying Programmatic EIR. Recognizing that funds were limited and that there were no truly outstanding significant issues facing the City since the last general plan update in 1994, the City Council utilized a cost efficient and expedient methodology to have the 2014-2034 General Plan Update completed.

¹ First sentence on page 48, *Chapter 4 – Required Elements of the General Plan*.

² U.S. Census Bureau State and County QuickFacts.

³ September 2008 Tehama County 2008-2028 DEIR. Information based on the 2006 Tehama County Regional Transportation and Tehama County Public Works Department, 2007.

The City Council determined that for efficiency and cost containment purposes, that the Planning Commission serve as the Task Force to oversee the update of the General Plan. Whereas, many cities in California appoint a committee comprised of residents, business and organizational representatives, there is a steep and costly learning period to understand and develop a level of expertise to understand California Planning including but not limited to general plans, zoning, entitlements, CEQA, etc. In addition, the Planning Commission has a clear understanding of planning related issues that needed to be addressed. To ensure public participation, by the time the City Council considers adoption of the General Plan Update, a series of 19 public workshops and hearings will have been held by the General Plan Update Task Force/Planning Commission.

Specifically with respect to circulation and transportation, the General Plan Update Task Force identified issues that needed to be addressed and the goal, policies, objectives and implementation measures identified in the General Plan Update addressed the issues identified. Based on public input received at the public workshops and meetings and responses to the Notice of Preparation, no transportation related comments were received. Also, agencies such as CalTrans, the Tehama County Department of Public Works, Tehama County Planning Department, and the Tehama County Transportation Commission did not provide comments. Staff members representing the Tehama County Transportation Commission did attend the May 19, 2015 Draft EIR Scoping Session Public Hearing conducted by the Planning Commission.

Comment D-2

The current draft does not describe: current conditions, all modes of transportation and how they are used (including bicycle use, pedestrian use, or transit), reference the County General Plan or the TCTC RTP, discuss I-5 or South Avenue. The document needs to show how it ties into the county and state transportation system.

Response D-2

In order to have a general plan update prepared in an efficient manner, the General Plan Update Task Force adopted a different approach to organizing the general plan update. As noted on page 5 of the General Plan Update under **D. ORGANIZATION OF THE GENERAL PLAN:**

“Many general plans, including the City of Corning’s 1994 Plan, include in the body of the Plan all supporting information which provides the basis (or background) for the goals, objectives, policies and implementation measures advanced by the Plan. This approach not only increases the bulk of the document, but also serves as a distraction to the reader. Many readers are only interested in what directly affects their respective properties and possible projects, in particular policies and implementation measures. They do not wish to “wade” through what they perceive to be an “endless amount” of possibly interesting, but not “necessary information.” In addition this increased bulk generates more paper and additional reproduction costs. Therefore, the Plan is provided in two separate documents both of which will comprise the General Plan Update.

The first document (the EIR) will identify the existing natural and man-made conditions within the City and Planning Area. Research and review of existing documents, information, and other reports will be undertaken. As necessary, supplemental studies will be conducted to determine, which when combined with the other research and review will identify existing conditions. The document will help identify existing problems and deficiencies. These existing conditions will not only serve as the basis for the goals, objectives, policies and implementation measures in the Plan, but also provide the “baseline” conditions for the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) that will be required to be prepared for the Plan. Those readers desiring to understand the rationale for the goals, objectives, policies and implementation measures or wish to become more familiar with the City will be able to obtain this document separately from the second document which is the actual Plan with accompanying Land Use & Circulation Map.”

Therefore, any reader wishing to understand existing conditions and associated impacts can refer to the EIR prepared for the General Plan Update.

Specifically, Sub-Section **4.13.1 EXISTING CONDITONS** under Section **4.13 CIRCULATION** beginning on page 4-61 in the DEIR, identifies and discusses current conditions and modes of transportation, including but not limited to; airport use, transit use, bicycle use, and pedestrian use. The Sub-Section also discusses how the City's circulation system "ties into the county and state transportation system" after the discussion regarding the functional classification of streets and highways divided into several broad categories.

Sub-Section **4.13.2 REGULATORY FRAMEWORK** under Section **4.13 CIRCULATION** in the DEIR references the Tehama County Transportation Commission and Regional Transportation Plan beginning on page 4-65.

Comment D-3

The circulation map needs to reference the existing Functional Classification of the roadway system per Caltrans/FHWA. The CRS maps are available online. The document references the circulation map as having future collector roads [C-(11)] but none are shown on the map as future collector roads. Two maps would be useful here: existing conditions and future needs.

Response D-4

Sub-Section **4.13.1 EXISTING CONDITONS** under Section **4.13 CIRCULATION** beginning on page 4-62 in the DEIR identifies and discusses the functional classification of streets and highways within the City which the Circulation Map identifies. In response to the comment, the 1994 General Plan Circulation Map is provided in **CHAPTER 8, Appendix 8.3** in the FEIR.

Comment D-5

It was believed that another Staff Member wrote comments in the DEIR and will follow up to provide those to the City.

Response D-5

Comment noted.

COMMENT LETTER E

August 5, 2015 – Tehama County Cooperative Fire Protection – Fire Protection Planning Bureau – Matt Chamberlin, Assistant Chief, Acting Fire Marshal

Comment E-1

The City of Corning does not contain any State Responsibility Area (SRA) land, nor is it surrounded by SRA land which is the financial responsibility of CAL FIRE for wild land fire suppression. Therefore, CAL FIRE has no further comment on the 2014-2034 General Plan Update.

Response E-1

Comment noted.

Comment E-2

Fire and other emergency services to the unincorporated land immediately surrounding the City of Corning are the responsibility of TCFD, which is administered through a cooperative agreement with CAL FIRE.

Response E-2

Comment noted.

Comment E-3

The unincorporated lands surrounding the City Limits of Corning are rated "Moderate" for Wild Land Fire Severity.

Response E-3

The EIR will incorporate this informative comment into Sub-Section **4.9.1 EXISTING CONDITONS** under Section **4.9 FIRE SAFETY & LAW ENFORCEMENT**. The comment, as underlined below, will be the last sentence in the fourth paragraph under Fire Safety that will state:

The unincorporated lands surrounding the City are rated "Moderate" for Wild Land Fire Severity.

Exhibit "B"

CITY OF CORNING

2014-2034 GENERAL PLAN UPDATE DRAFT



City of Corning
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Corning, CA 96021
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(530) 824-2489 Fax

Prepared
By



Diaz Associates

4277 Pasatiempo Court
Redding, CA 96002
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August 18, 2015

In Memory of Planning Commission Ryan Reilly (March 21, 1981-June 18, 2015), whose tireless contributions in the preparation of the 2014-2034 General Plan and his dedicated service to the Citizens of Corning, helped make this community a better place to live and work.

CHAPTER TWO

EXECUTIVE SUMMARY

2.1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

The *Environmental Quality Act (State CEQA Guidelines)* provides that this summary identifies each significant effect and proposed mitigation measures that would reduce or avoid that effect. This information is summarized in **Table ES-1 - SUMMARY OF POTENTIAL IMPACTS AND PROPOSED MITIGATION MEASURES**, at the end of this section. It should be noted that Table ES-1 is only a summary for quick reference. **CHAPTER FOUR - EXISTING CONDITIONS, IMPACTS AND MITIGATIONS** provides a complete analysis and discussion of impacts and mitigation measures, as applicable.

2.2 POTENTIAL AREAS OF CONTROVERSY – ISSUES TO BE RESOLVED

The following issues may produce controversy or require resolution in reviewing and considering the adoption of the *2014-2034 General Plan Update* for a 20 year planning period.

- The projected population and housing growth rates utilized to determine housing needs, in particular compliance with *State of California Department of Housing and Community Development (HCD) Regional Housing Needs Allocation (RHNA)* for *Very Low* and *Low* households. The *General Plan Update* identifies that, based on the historical growth period between 1995 and 2014, there is a need to identify a sufficient amount of *Multi-Family Residential* designated land necessary to meet *RHNA* requirements. Therefore, the *General Plan Update* redistributes land use allocations and densities, in particular densities associated with *Multi-Family Residential* classified lands necessary to meet *HCD RHNA* requirements.
- Normally, when general plans are updated, there exists the potential for significant air quality, climate change and energy impacts. These impacts are attributed to ozone and carbon dioxide emissions resulting from increased traffic generation and land use operations. However, based on the limited amount of development over the last 20 years, when projected over the next 20 years to 2034, these impacts may not result, even cumulatively.

Impacts may occur incrementally over a longer period of time extending beyond the 20 year framework of the *General Plan Update*, however, it would be speculative to attempt to quantify when impacts could be realized. If development proceeds as it has historically over the last 20 years, impacts will be less-than-significant.

2.3 DESCRIPTION OF ALTERNATIVES

Analysis of potential alternatives to the project is required per *Section 15126[d]* of the *CEQA Guidelines*. *CEQA* case law and subsequent amendments underscore the need to consider a "reasonable range" of alternatives to the project that would feasibly attain most of the project goals and objectives, but would avoid or substantially lessen any significant effects of the project. The comparative merits of the alternatives would be evaluated. A *No Project Alternative* is discussed per requirements of the *CEQA*

Guidelines. This will require comparative analysis of project-related effects versus the effects of taking no action.

Alternatives to the project that are evaluated in this Draft EIR are described in detail in *Chapter Five*. Only reasonable alternatives that met the *General Plan Project Objectives* were considered. These alternatives include:

- The *CEQA* required *No Project Alternative* which is the *Existing General Plan*.
- The *Lower Density Residential Alternative* reflects the use of a lower density factor of 4 DU's/Acre for *Residential* and 10 DU's/Acre for *Multi-Family Residential* land uses.
- The *Higher Density Residential Alternative* reflects the use of a higher density factor of 8 DU's/Acre for *Residential* and 24 DU's/Acre for *Multi-Family Residential* land uses.

TABLE E-1

SUMMARY OF POTENTIAL IMPACTS & MITIGATION MEASURES

4.1.3 BIOLOGICAL RESOURCES

IMPACT B-1

Review of the National Wetland Inventory (NWI) map for the Corning quadrangle identified several wetland features. In addition, existing vacant parcels within the City could potentially impact Jewett Creek, Burch Creek and the Blackburn-Moon Ditch which are designated wetland features. This impact is considered potentially significant.

MITIGATIONS B-1 & B-2

Mitigation Measure B-1

To the extent practicable, the discharge or dredged or fill material into "waters of the U.S.", including wetlands, shall be avoided (this also includes waters not subject to Corps jurisdiction, but subject to RWQCB jurisdiction). This includes avoiding activities that would obstruct the flow of, or alter the bed, channel, or bank of any intermittent or ephemeral creeks. If complete avoidance is implemented, no further measures are necessary. If complete avoidance is not practicable, the following measures shall be implemented:

- Prior to any discharge of dredged or fill material into "waters of the U.S.", including wetlands, authorization under a Nationwide Permit or Individual Permit shall be obtained from the Corps. For any features determined to not be subject to Corps jurisdiction during the verification process, authorization to discharge (or a waiver from regulation) shall be obtained from the RWQCB. For fill requiring a Corps permit, water quality certification shall be obtained from the RWQCB prior to discharge of dredged or fill material.
- Prior to any activities that would obstruct the flow of, or alter the bed, channel, or bank of any intermittent or ephemeral creeks, notification of streambed alteration shall be submitted to the DFG; and, if required, a streambed alteration agreement shall be obtained.
- Construction activities that will impact "waters of the U.S." shall be conducted during the dry season to minimize erosion.
- Appropriate sediment control measures to protect avoided "waters of the U.S." shall be in place prior to the onset of construction and shall be monitored and maintained until construction activities have ceased. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas. Excess excavated soil shall be used on site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. silt fences, straw bales).
- All pedestrian and vehicular entry into "waters of the U.S.", including wetlands, to be avoided shall be prohibited during construction.
- Loss of wetlands shall be compensated at a minimum of a 2:1 creation ratio (i.e. two acres created for each acre destroyed). This can be accomplished through purchase of appropriate credits at a Corps approved mitigation bank, appropriate payment into a Corps approved in-lieu fee fund, or on-site or off-site creation, monitoring, and maintenance (as approved by the Corps or RWQCB).
- Loss of "other waters" shall be compensated through purchase of appropriate credits at an Corps approved mitigation bank, appropriate payment into an Corps approved in-lieu fee fund, or through placement of avoided waters and associated riparian buffers into a conservation easement or similar protective mechanism. The amount of avoided waters and riparian buffers to be permanently protected shall be

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Mitigation Measures B-1 and B-2 are advanced to address potential wetlands and vernal pools, with associated special status features. These measures will reduce potential impacts to a less-than-significant level.

	<p>sufficient to offset the impact and shall be determined by the Corps and the applicant during the permitting process.</p> <ul style="list-style-type: none"> Any monitoring, maintenance, and reporting required by the regulatory agencies (i.e. Corps, RWQCB, CDFW) shall be implemented and completed. All measures contained in the permits or associated with agency approvals shall be implemented. <p>Mitigation Measure B-2 Conduct a USFWS protocol-level survey for the vernal pool fairy shrimp and vernal pool tadpole shrimp within suitable habitats occurring within the proposed project site, or assume the species are present. If the species are not detected during the protocol-level survey, no further measures or mitigation is required. If either of the species is detected during protocol-level surveys or the presence of the species is assumed in-lieu of conducting surveys, and proposed activities will result in direct or indirect impacts to potential habitat, the following measures shall be implemented:</p> <ul style="list-style-type: none"> Formal consultation with the USFWS shall be initiated under Section 7 or Section 10 of the ESA, as appropriate. No direct or indirect impacts to suitable habitat for these species shall occur until Incidental Take authorization has been obtained from the USFWS. For every acre of habitat directly or indirectly affected, at least two vernal pool preservation credits shall be dedicated within a USFWS-approved ecosystem preservation bank. With USFWS approval, appropriate payment into an in-lieu fee fund or on-site preservation may be used to satisfy this measure. For every acre of habitat directly affected, at least one vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank. With USFWS approval, appropriate payment into an in-lieu fee fund, on-site creation, or off-site creation may be used to satisfy this measure. 	
<p>4.15.3 AIR QUALITY</p> <p>IMPACT AQ-1</p> <p>The modeling results identified in Table AQ-3 indicate that cumulative emissions from the 313 residential units projected to be constructed over the next 20 years could generate ROG emissions that are above Level "A" thresholds, but below Level "B" thresholds. The impact is potentially significant.</p>	<p>MITIGATION AQ-1</p> <p>The TCAPCD Guidelines provide estimated ranges of efficiencies for SMMs and BAMMS that are incorporated into the Project. Assuming an average efficiency for each measure, the following measures can be expected to reduce ROG, NOx, and PM₁₀ emissions by about 30% for construction, area source, and operation (vehicle) emissions.</p> <ul style="list-style-type: none"> All construction contracts shall include construction dust mitigation measures that contain minimum criteria and related to the use of diesel equipment, all construction contracts will comply with California Air Toxic Control Measures related to off-road, on-road, stationary, portable and other applicable category of such equipment. Such measures shall apply to all phases of construction. Alternatives to open burning of vegetative material shall be used. Cleared vegetation shall be treated by legal means other than open burning. Contractors shall be responsible for ensuring that adequate dust control measures as set out in the TCAPCD Fugitive Dust Permit are implemented in a timely and effective manner during all phases of construction. All material excavated, stockpiled, or graded shall be watered a minimum of twice per day during dry conditions to prevent fugitive dust from leaving the property 	<p>LEVEL OF SIGNIFICANCE AFTER MITIGATION</p> <p>Through the application of Level "A" and some Level "B" BMMs, as reflected in Mitigation Measure AQ-1, further emission reductions could be accomplished to reduce potential impacts to a less-than-significant level.</p>

boundaries and causing a public nuisance or a violation of an ambient air quality standard. Watering will occur preferably in the mid-morning and after work is completed each day.

- All construction areas (including unpaved driveways and roads) with vehicle traffic shall be watered periodically or have dust palliatives applied for stabilization of dust emissions.
- All on-site vehicles shall be limited to a speed of 15 miles per hour on unpaved roads.
- All land clearing, grading, earth moving or excavation activities shall be suspended when winds exceed 25 miles per hour.
- All inactive portions of the site disturbed by construction activities shall be seeded and watered (or other equivalent erosion control products installed) until a suitable grass cover is established.
- The contractor shall be responsible for applying non-toxic soil stabilizers (according to manufacturer's specifications) to all inactive construction areas.
- All trucks hauling dirt, sand, soil or other loose material shall be covered or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114.
- All material transported off-site shall be either sufficiently watered or securely covered to prevent a public nuisance.
- During initial grading, earth moving, or site preparation, contractors shall be required to construct a paved (or dust palliative treated) apron, at least 100 feet in length, onto the construction area from the adjacent paved road(s). It appears that the existing gravel based road serving the existing well may meet this requirement.
- Paved streets adjacent to the construction sites shall be swept or washed at the end of each day to remove excessive accumulations of silt and/or mud which may have accumulated as a result of construction activities.
- Adjacent paved streets shall be swept at the end of each day if substantial volumes of soil materials have been carried onto adjacent public paved roads from the construction area.
- Wheel washers shall be installed where project vehicles and/or equipment access paved streets from unpaved roads.
- Contractors shall provide documentation to the TCAPCD demonstrating that the heavy-duty (greater than 50 horsepower) off-road vehicles to be used in the construction of the Project, including owned, leased and subcontractor vehicles, will meet CARB standards for NOx and particulate matter.
- Contractors shall be responsible to ensure that all construction equipment is properly tuned and maintained.
- Equipment operators shall be instructed to minimize equipment idling time to five (5) minutes.
- Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators whenever possible.

4.1.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

A. Basis for Environmental Impacts

Impacts of the proposed Project are measured against existing or baseline conditions. Due to the existing and future development that the *General Plan Update* accommodates, construction related direct and indirect impacts on biological resources, in particular candidate, sensitive, or special status species and wetlands is of concern.

B. Thresholds of Significance

For the purposes of this EIR, an impact would be considered significant if it would result in any of the following:

1. A substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
2. A substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

The following General Plan Policies and associated Implementation Measures contained in the Natural Resources Group Conservation & Open Space – Biological Resources and in the Health and Safety Group – Flood Protection assist in reducing any potential impacts associated with any candidate, sensitive, or special status species and any riparian habitat or other identified sensitive natural communities:

- *Biological Resources Policy BR-a and BR-b and Implementation Measures BR-(1) and BR-(2).*
- *Flood Protection Policies FL-b and FL-c and Implementation Measure FL-(s).*

*Future development of existing and future parcels are located in areas that are either disturbed and/or surrounded by existing development. It is highly unlikely that special species are present. However, when discretionary approvals are sought, the CEQA process, which also requires consultation with responsible and trustee resource agencies, such as the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, will identify the type of biological studies that will be required, when necessary. Evaluations shall also consider potential impacts from artificial light on wildlife habitat. The potential impact to special status species is **less-than-significant**. Therefore, **no mitigation measures** are required.*

3. A substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

The following General Plan Policies and associated Implementation Measures contained in the Natural Resources Group Conservation & Open Space –

CHAPTER FOUR

EXISTING CONDITIONS, IMPACTS AND MITIGATIONS

NATURAL RESOURCES GROUP – CONSERVATION & OPEN SPACE

4.1 BIOLOGICAL RESOURCES

4.1.1 EXISTING CONDITIONS

There are three general vegetation or habitat types found in the City and Planning Area: valley grasslands, riparian corridors, and agricultural lands. A majority of original natural vegetation within the City has been disturbed or eliminated by development of the City.

Valley grasslands exist predominantly in the northeastern section of the city, and contain primarily introduced grasses. These lands are used mainly for grazing. Specific plant species commonly found in these areas include wild oats, fescues, bromes, filaree, clover, needlegrass, medusa-head, bluegrass, California poppy, and gum plant. These areas also provide valuable habitat for wildlife.

The majority of the naturally occurring riparian areas in Corning have been altered by human activity. Burch Creek, a perennial creek, is located to the south of the City. Jewett Creek, an intermittent creek, is also located south of the City, north of Burch Creek. Burch Creek's riparian corridor is less disturbed by human activities than Jewett Creek. Riparian vegetation associated with both of these streams includes cottonwoods, willows, blackberry vines, cattails, sedges, sycamore, eucalyptus, California black walnut, oak, alder, and giant reed. Invasive vegetation including Arundo, Salt Cedar, and Tree of Heaven have been increasing in riparian areas throughout the north state adversely impacting native vegetation habitats.

Agricultural vegetation is the most common habitat type found in the City. The primary orchard crops produced in and around Corning are olives, nuts, and fruits.

In terms of wildlife, the combination of agricultural uses and urban uses is generally not conducive to large populations of wildlife. Valley grasslands (discussed above) do provide some habitat value for song and game birds, raptors, coots, doves, pheasant, quail, reptiles, insects, jack rabbits and cottontails, coyotes, and deer. Intact and undisturbed riparian corridors can provide valuable habitat for a number of mammal, reptile, bird, and fish species. However, there is not much intact and undisturbed riparian corridor habitat remaining in Corning. Agricultural lands can provide habitat similar to that of the valley grasslands, and support similar species. Irrigated croplands can simulate wetland environments and provide support for migrating waterfowl.

The California Department of Fish and Wildlife (CDFW) maintains the California Natural Diversity Data Base (CNDDDB), which lists positive sightings of special status plant and animal species. The data base is modeled after the United States Geological Survey 1:24,000 topographic quadrangles. The City of Corning is covered in the Corning quadrangle. A search of the CNDDDB indicates the potential presence of the following species within the Corning quadrangle as presented in **Table B-1**. **Table B-1** also lists if the species is considered threatened or endangered on the state and federal levels, a DFG listing, and the California Native Plant Society listing.

Tehama County. The State of California passed legislation authorizing the Office of Emergency Services (OES) to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster. The County of Tehama is currently coordinating with the Office of Emergency Services to develop and implement an Emergency Disaster Plan. It should be noted that the City of Corning Fire Department is a member of the Shasta Cascade Hazardous Materials Response Team (SCHMRT).

4.10.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

A. Basis for Environmental Impacts

Impacts of the proposed Project are measured against existing or baseline conditions. Direct and indirect impacts related to hazardous materials are primarily of concern when materials are transported through the City. No hazardous material sites exist within the City.

B. Thresholds of Significance

For the purposes of this EIR, an impact would be considered significant if it would result in any of the following:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
4. Be located on a site which is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

The following General Plan Policy and associated Implementation Measure contained in the Health and Safety Group – Hazardous Materials assist in reducing any potential impacts associated with hazardous materials transport and disposal:

- *Hazardous Materials and Safety Policy HM-a and Implementation Measures HM-(1) and HM-(2).*

Prior to the entitlement of any development project involving hazardous materials, whether a component of the construction process and/or operation of the proposed use, documentation will need to be reviewed by not only the City, but also the Tehama County Department of Environmental Health. Activities include, but are not limited to underground hazardous materials storage tanks, medical wastes, hazardous materials business plan, and hazardous materials.

*The General Plan Policies and Implementation Measures, and the permitting, operational, and reporting requirements imposed by the county, state and federal governments, makes it is highly unlikely that the release of hazardous materials into the environment at a level that would present a hazard to the environment or to human or animal life would occur. Therefore, potential significant impacts are considered **less-than-significant**. No mitigation measures are required.*

5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The following General Plan Policy contained in the Health and Safety Group – Hazardous Materials, assists in reducing any potential impacts associated with hazardous materials transport and disposal:

- *Hazardous Materials and Safety Policy HM-a.*

In addition, the Comprehensive Airport Land Use Plan (2003) restricts the type and amount of development that can occur within the identified Clear Zone Safety Area (no residential structures allowed) and the Approach Zone Safety Area (no residential structures within 2,000 feet of the Clear Zone and a density of 3.5 dwelling units per acre beyond that.

*The General Plan Policy along with the restrictions within the Safety Areas, and adherence to applicable City, State, and Federal regulations will reduce safety issues associated with the Corning Municipal Airport to **less-than-significant** levels and **no mitigation** is required.*

7. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The following General Plan Policy and Implementation Measure contained in the Health and Safety Group – Hazardous Materials, assists in reducing any potential impacts associated with hazardous materials transport and disposal:

- *Hazardous Materials and Safety Policy HM-a and Implementation Measure HM-(2).*

The City does not currently have an adopted Emergency Disaster Plan. The Corning Fire Department is in the process of preparing such a plan, but it had not been completed or adopted at the time of this analysis. The impact of new development on emergency response routes and emergency evacuation routes will be determined as part of the CEQA review process for discretionary projects subject to City entitlement approvals. The City of Corning Fire Department is a member of the Shasta Cascade Hazardous Materials Response Team (SCHMRT).

*The General Plan Policy and Implementation Measure and the CEQA review process for projects will reduce potential impacts associated with emergency routes safety issues associated with the Corning Municipal Airport to **less-than-significant** levels and **no mitigation** is required.*

The following General Plan Policies contained in the Community Development Group – Circulation, assists in reducing any potential impacts associated with increased traffic levels or change in location of traffic patterns that could result in substantial safety risks:

- *Circulation Policies C-a and C-c.*

*The General Plan Policy along with the restrictions within the Safety Areas, and adherence to applicable Comprehensive Airport Land Use Plan and TCAPLUCP policies and standards, will reduce traffic associated safety risks associated with the Corning Municipal Airport to **less-than-significant** levels and **no mitigation** is required.*

4.14 PUBLIC SERVICES & FACILITIES

4.14.1 EXISTING CONDITIONS

SCHOOL SERVICES

The Corning Union Elementary School District and the Corning Union High School District provide educational services. The following schools exist in the City:

- | | |
|---|------|
| • Olive View Elementary | K-6 |
| • West Street Elementary | K-6 |
| • Columbia Academy | K-8 |
| • Woodson Elementary | K-8 |
| • Maywood Middle School | 7-8 |
| • Corning High School | 9-12 |
| • Centennial High School | 9-12 |
| • Corning Center for Alternative Learning (C-CAL) | 9-12 |

Corning High School receives students from the surrounding areas including the City, Richfield, Kirkwood, Paskenta, Flournoy, and Capay.

The Corning Elementary and High School districts collect school mitigation fees on all new developments to maintain the level of service that is currently provided. Developers are required to participate in the fee program per 1998 Senate Bill 50 that collects funds based on the square footage for a project, at a current rate of \$3.36 square feet of residential development and \$0.54 per square feet of commercial and industrial development.

CITY SERVICES

Before a development permit is granted, it must be determined that public services and facility systems are adequate to accommodate any increased demand generated by a proposed project. Costs associated with site improvements are an important component of new residential development costs. Site improvements costs are applied to provide sanitary sewer, water service and other infrastructure for the project. In addition, the City may require the payment for various offsite improvements as part of project mitigation measures (e.g., payment towards an offsite traffic signal). Developers of new residential projects are also required to construct all onsite streets, sidewalks, curb, gutter and affected portions of

- (h) Public agencies should compile listings of other agencies, particularly local agencies, which have jurisdiction by law and/or special expertise with respect to various projects and project locations. Such listings should be a guide in determining which agencies should be consulted with regard to a particular project.
- (i) Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged, but not required as an element of the CEQA process.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21091, 21092, 21092.2, 21092.3, 21092.6, 21098, 21104, 21152, 21153 and 21161, Public Resources Code.

15088. EVALUATION OF AND RESPONSE TO COMMENTS

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- (b) The lead agency shall provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- (c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- (d) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:
 - (1) Revise the text in the body of the EIR, or
 - (2) Include marginal notes showing that the information is revised in the response to comments.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Sections 21092.5, 21104, and 21153, Public Resources Code; *People v. County of Kern* (1974) 39 Cal. App. 3d 830; *Cleary v. County of Stanislaus* (1981) 118 Cal. App. 3d 348.

15088.5. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.
- (d) Recirculation of an EIR requires notice pursuant to Section 15087, and consultation pursuant to Section 15086.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.
- (f) The lead agency shall evaluate and respond to comments as provided in Section 15088. Recirculating an EIR can result in the lead agency receiving more than one set of comments from reviewers. The following are two ways in which the lead agency may identify the set of comments to which it will respond. This dual approach avoids confusion over whether the lead agency must respond to comments which are duplicates or which are no longer pertinent due to revisions to the EIR. In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues.
 - (1) When an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR.
 - (2) When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.
- (3) As part of providing notice of recirculation as required by Public Resources Code Section 21092.1, the lead agency shall send a notice of recirculation to every agency, person, or organization that commented on the prior EIR. The notice shall indicate, at a minimum, whether new comments may be submitted only on the recirculated portions of the EIR or on the entire EIR in order to be considered by the agency.
- (g) When recirculating a revised EIR, either in whole or in part, the lead agency shall, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21092.1, Public Resources Code; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal. 4th 1112.

15089. PREPARATION OF FINAL EIR

- (a) The Lead Agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of these Guidelines.
- (b) Lead Agencies may provide an opportunity for review of the final EIR by the public or by commenting agencies before approving the project. The review of a final EIR should focus on the responses to comments on the draft EIR.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21100, 21105, and 21151, Public Resources Code; *City of Carmel-by-the-Sea v. Board of Supervisors*, (1977) 71 Cal. App. 3d 84.

15090. CERTIFICATION OF THE FINAL EIR

- (a) Prior to approving a project the lead agency shall certify that:
 - (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - (3) The final EIR reflects the lead agency's independent judgment and analysis.
- (b) When an EIR is certified by a non-elected decision-making body within a local lead agency, that certification may be appealed to the local lead agency's elected decision-making body, if one exists. For example, certification of an EIR for a tentative subdivision map by a city's planning commission may be appealed to the city council. Each local lead agency shall provide for such appeals.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21082.1, 21100, and 21151, Public Resources Code; *City of Carmel-by-the-Sea v. Board of Supervisors* (1977) 71 Cal.App.3d 84; *Kleist v. City of Glendale* (1976) 56 Cal.App.3d 770.

15091. FINDINGS

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a