

STATEMENT OF CONDITIONS

Project Identification Use Permit No. 09-015 (Big Bend Hot Springs, LLC)

A. Permitted Uses as shown on the approved site plan (Exhibit A) which amends, consolidates, and supersedes that Exhibit "A" adopted by ordinance number 378-1815 in accordance with said ordinance and Shasta County Zoning Plan Section 17.50.060.

- a. A recreation facility for a maximum of 50 visitors.
- b. 16 tent camping sites.
- c. A hot bath complex, including a changing structure.
- d. A 1,000-square-foot greenhouse.
- e. A 950-1,200-square-foot massage therapy/yoga classroom/meeting room.
- f. A day use/group fire ring area.
- g. An expanded pedestrian bridge.
- h. A trash enclosure.
- i. Parking area.
- j. A ~~1,800~~ 2,000-square-foot single-family residence for the facility manager.
- k. An existing bathroom/shower building.
- l. An existing barn, existing accessory buildings, and deck.
- m. Existing water cooling and storage tanks.

B. General Development Standards and Conditions

1. The requirements of all concerned governmental agencies having jurisdiction by law, including, but not limited to, the issuance of appropriate permits shall be met.
2. Tent camping may be subject to Housing and Community Development (HCD) approval under California Health and Safety Code provisions for Special Occupancy Parks (Title 25). The applicant shall contact HCD to inquire as to the applicability of HCD California Health and Safety Code provisions for Special Occupancy Parks (Title 25) If applicable, the camp shall meet all applicable requirements of HCD, in accordance with Condition #1 of this Use Permit prior to initiating the use.
3. Use Permit Number 136-87 and Administrative Permit 76-95 and conditions thereof are amended, consolidated into and superseded by this Use Permit.
4. Only the area within the Commercial Recreational (C-R) is authorized for use as a commercial recreational facility. There are no authorized uses for the remainder of the property.
5. All applicable standards established by this Use Permit shall be met prior to issuance of the particular building permits or initiation of the particular permitted use(s).
6. This Use Permit shall become automatically revoked without further action by Shasta County if the activity or use for which the Use Permit was granted has not actively and substantially commenced within two years of the date of approval.

7. Any time the Planning Director finds that one or more grounds exist for revocation, revocation proceedings may be initiated in accordance with applicable provisions of the Shasta County Ordinance Code.

GENERAL:

8. Any on-site lighting shall be shielded from surrounding property.
9. There shall be no storage or accumulation of wrecked or dismantled vehicles or parts thereof, discarded items, junk, or inoperable machinery.
10. The main outside trash storage and collection area shall be enclosed by solid masonry walls, view obscuring fence or combination of those options, not less than six (6) feet in height. The maximum height of the screening shall be at least one (1) foot above the trash receptacle(s) when full.
11. All outdoor trash receptacles and food storage lockers shall be designed in such a manner as to prevent wildlife from disturbing the solid waste and accessing foodstuffs.

12. This property is located in an agricultural/timber use area and may be subject to impacts from the conduct of existing and future agricultural/timber-related activities which may be considered objectionable. The project proponent shall acquire and provide all future property purchasers with a copy of Shasta County Ordinance No. 94-2 and shall comply with the disclosure provisions of that ordinance.
- 13.* *Further archeological investigation, including subsurface exploration, conducted at the project site by Coyote and Fox Enterprises from March 29th to March 31st 2001 has determined that only one ~~two~~ potentially significant archeological site is present at the project site. Said site shall ~~identified in the November 22, 1998 cultural resources assessment for the project site prepared by Peak and Associates, Inc.~~ be fenced and labeled "Keep Out-Environmentally Sensitive Area," ~~excepting that portion of the site within the existing fire truck turnaround parking and vehicle traffic within which parking and vehicle traffic are permissible.~~ A map showing the location of this site as determined by Coyote and Fox Enterprises, approved project improvements, and a fence plan shall be submitted for review and approval prior to initiation of the allowed uses. The fence shall be installed prior to initiation of the allowed uses and maintained in good condition. *Subsurface disturbance shall be prohibited within the potentially significant archeological site except those portions of said site occupied by the existing fire truck turnaround and within which approved improvements are to be constructed provided that further archeological work is conducted by a professional archeologist to determine the level of significance of resources present within the area to be disturbed and implementation of appropriate mitigation for potential negative impacts to said resources based on the findings of and as recommended by the professional archeologist conducting the work**
- 14.* If, in the course of development, any archaeological, historical, or paleontological resources are uncovered, discovered or otherwise detected or observed, construction activities in the affected area shall cease and a qualified archaeologist shall be contacted to review the site and advise the County of the site's significance. If the findings are deemed significant by the Environmental Review Officer, appropriate mitigation shall be required.
- 15.* Riparian setbacks shall be established along the Pit River, Indian Creek, and the unnamed seasonal creek located east of Indian Creek. The setback for the Pit River shall be the top-of-bank of the Pit River. The setback for Indian Creek shall be 10 feet from top-of-bank on the east side of the creek and 25 feet from top-of-bank on the west side of the creek, except in the vicinity of the existing barn. The setback for the unnamed seasonal creek shall be 25 feet from the top-of-bank. No structures shall be constructed within the setback. Removal of vegetation within the buffer would require prior approval of the California Department of Fish and Game, except as needed to comply with applicable defensible space fire safety requirements and regulations.
16. Noise levels shall not exceed 55 dB hourly Leq daytime (7 a.m. to 10 p.m.) or 50 dB hourly Leq nighttime (10 p.m. to 7 a.m.) at the property lines consistent with the Shasta County General Plan Noise Element.
- 17.* Quiet hours shall be observed at the site during the nighttime hours (10:00 p.m. to 7:00 a.m.). Outdoor activities that would produce potentially objectionable noise should be curtailed (ex. large congregations of visitors, the production of acoustic music, loud speech and/or other general outdoor noise producing activities). Outdoor amplified music or speech, portable generators (except emergency generators), or other significant sources of noise shall be

prohibited during the nighttime hours.

18. In the event that complaints about noise are received by the Planning Division, the Planning Director shall review each complaint and determine whether it can be verified. If so, the Director may inform the owner/operator that a report must be submitted to the Planning Division from an acoustical engineer or other qualified professional including actual measurements of noise from project operations. The Director may choose to have the Planning Division hire the acoustical engineer or other qualified professional to perform the study. In that event, the owner/operator shall deposit monies with the Planning Division to cover the cost of the study and the Division's associated administration costs.

If the results of that monitoring indicate that the County's noise standards are exceeded and/or a nuisance exists, additional noise-control measures shall be implemented as needed. Such measures could include modifications of project hours of operations, limits on the occupancy of the camping area, the use of localized noise barriers, portable sound attenuating blankets suspended in close proximity to the noise sources, or other barrier configurations as may be appropriate.

19. Campfires in public areas shall be attended and/or monitored by staff of the facility. All campfires shall be built in an area that is appropriately cleared of debris and overhanging branches, and within a fire ring surrounded by rocks. A bucket with water, shovel, or fire extinguisher shall be located nearby and at the ready. Campfires shall be managed in a manner produces efficient combustion and minimizes the production of wood smoke. Campfires shall be fully extinguished prior to being left unattended.

BUILDINGS AND CONSTRUCTION:

20. In no case shall the permittee allow occupancy of any building while the building is being brought into compliance with applicable building occupancy or related codes.
21. Drainage facilities shall be constructed to Shasta County Development Standards.
22. All grading shall conform to the Shasta County Grading Ordinance.
23. A dust palliative shall be used on all areas not paved or landscaped to minimize dust disturbance.
24. Roofing material shall be a non-glare, non-reflective material.
25. Any roof-mounted equipment, other than photovoltaic panels or other similar systems that require full exposure, shall be architecturally screened from view prior to final building inspection.
- 26.* Construction activities shall be limited to the daytime hours (7:00 a.m. to 7:00 p.m.) and be suspended on Sundays and National holidays.

PARKING/ON-SITE ACCESS:

27. A parking plan showing space location dimensions, and total number of spaces shall be

provided prior to issuance of a building permit. The project shall provide improved off street parking for visitors deliveries and employees. A minimum of 22 spaces shall be provided for visitors based on a ratio of one space per four visitors and nine spaces for additional guest vehicles and/or employees.

28. An improved parking area shall be provided in accordance with Shasta County Code Section 17.86. Said parking area shall incorporate a bio-retention swale as described in the project application. Improvements shall be completed prior to final building inspection. Soil cement may be used to surface the access and parking areas in lieu of asphalt paving, as described in the Use Permit application.
29. Parking areas shall be striped or otherwise marked in manner that delineates individual parking spaces and demonstrates compliance with Shasta County development standards for parking stall and aisle dimensions.
30. Internal driveways shall be surfaced with a minimum of four (4) inches of Class 3 aggregate base, cinders, or soil cement and maintained in a dust free condition.
31. Traffic permitted on the internal driveways shall be limited to employees and contractors of the facility and emergency or other official vehicles. Internal driveways shall be gated to prohibit access to unauthorized vehicles. All gates shall be constructed in conformance with Figure FS-6 of the Shasta County Fire Safety Standards or other break away type design approved by the Shasta County Fire Department.
32. Access to the subject property shall only occur over public right-of-way, land held in fee by the property owner, or via easements granted to the property owner.

SIGNS:

33. The applicant shall submit a sign plan for approval by the Planning Director prior to final building inspection or initiation of the use.
34. One (1) free standing sign, not to exceed two hundred (200) square feet in size and thirty (30) feet in height, is allowed.

35. Building signs shall not exceed a combined size of one (1) square foot in area for one (1) lineal foot of building frontage. Said signs shall not extend beyond any roof line.
36. Building mounted signs shall not extend above the roof line of the building to which they are attached.
37. Lighted signs shall have indirect illumination in which the light source is from within the cabinet or is from an outside fixture which distributes the light evenly on the sign.
38. Lighted signs shall be shielded in such a manner to prevent light from shining directly onto adjoining properties or streets.
39. Signs shall not flash, scintillate, revolve or change color or intensity, or emit offensive odors, fluids, noise or smoke, or contain any part or attachment which does the same.

FENCING:

40. Prior to initiation of the approved uses the following shall occur:
 - a) The *boundary of the* authorized public use area shall be identified at the site; the eastern *boundary and portion of the southern boundary lying east of Indian Creek* of the *said* public use area shall be fenced prior to initiation of the approved uses. Staff of the facility shall monitor the boundaries of the public use area in order to keep visitors and campers from encroaching onto adjoining private properties or areas outside of the authorized public use area.
- 41.* All new and/or repaired fencing shall be limited to the following wildlife friendly design (note: strands/rails may be omitted from the design provided minimum and maximum height and spacing of remaining strands/rails is maintained as described):
 1. Single strand, barbed wire type, or rail type (no chicken or hog wire type).
 2. 1st strand/rail 18 inches above ground level.
 3. 2nd strand/rail 8 inches above 1st strand.
 4. 3rd strand/rail 10 inches above 2nd strand.
 5. 4th strand/rail 12 inches above 3rd strand.

CALIFORNIA DEPARTMENT OF FISH AND GAME:

42. The applicant shall pay the Shasta County Clerk a documentary handling fee for posting a Notice of Determination or Notice of Exemption for this project pursuant to the California Environmental Quality Act (CEQA), Section 15075. The applicant shall also pay the appropriate fees pursuant to Fish and Game Section 711.4 (AB 3158). Said fees shall be paid within five (5) days following the end of any final appeal period, or in the event of a timely appeal within five (5) days following any final decision on the appeal, before the project approval will be considered final. Failure to pay the required fees will render this contingent project approval null and void.

AIR QUALITY MANAGEMENT DISTRICT (AQMD):

43. No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such person or the public, or which cause, or have the natural tendency to cause, injury, or damage to business or property.
44. All future solid fuel heating systems shall be with an E.P.A.-certified Phase II system or a subsequent certified system.
45. The project shall in the future provide for the use of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces, and boiler units as approved by the Air Pollution Control Officer (APCO).
46. The project shall in the future utilize energy-efficient and automated controls for air conditioning as approved by the APCO.
47. Alternatives to open burning of vegetative material on the project site shall be used by the project applicant unless otherwise deemed infeasible by the AQMD. Suitable alternatives include chipping, mulching, or conversion to biomass fuel among others.
48. All activities associated with a building site for residential, commercial, or industrial use shall be conducted in a manner to control fugitive dust emissions through the use of dust palliative agents or the use of water to mitigate off-site impacts.
49. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner during all phases of project development and construction.
50. All material excavated, stockpiled, or graded should be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily with complete site coverage, preferably in the mid-morning and after work is completed each day.
51. All areas (including unpaved roads) with vehicle traffic should be watered periodically or have dust palliatives applied for stabilization of dust emissions.
52. All on-site vehicles should be limited to a speed of 15 miles per hour on unpaved roads.
53. All land clearing, grading, earth moving or excavation activities on a project shall be suspended when winds are expected to exceed 20 miles per hour.
54. All trucks hauling dirt, sand, soil or other loose material should be covered or should 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. This provision shall be enforced by local law enforcement agencies.
55. Adjacent paved streets shall be swept (recommend water sweeper with reclaimed water) at the end of each day if substantial volumes of soil materials have been carried onto adjacent public paved roads from the project site.

ENVIRONMENTAL HEALTH DIVISION (EHD):

56. Apply for and obtain sewage disposal and/or domestic water supply permit prior to issuance of any building permit.
57. The applicant shall apply for a septic system permit to install the subsurface leach line system for spa waste water prior to installing the system.
58. The drinking water supply system shall be constructed as a public water system and meet the requirements of the California Water Works Standards , California Code of Regulation- Title 22 and California Health & Safety Code. A permit to operate a transient non-community public water system shall be obtained from EHD prior to operating.
59. This use permit is approved for EHD purposes based upon information by the applicant that the spas will be drained after each individual use and cleaned and sanitized daily. Routine bacteria monitoring of the spa water will be completed at the request of EHD. Spa water temperature shall be safely controlled such that the normal operating temperature does not exceed 104F.
60. Any proposed grading which will create cuts or fills for roads, driveways, building sites, drainage ways or ditches on parcels shall be reviewed and approved by the Environmental Health Division as meeting County Sewage Disposal Standards requirements prior to the start of said grading or issuance of any building permit.

61. The applicant or facility operator shall submit a Business Plan for emergency response to the Environmental Health Division for facilities storing or handling hazardous materials equal to or greater than 55 gallons, 500 pounds, or 200 cubic feet of a gas at standard temperature and pressure.
62. The applicant shall notify his/her contractors that a Business Plan for emergency response is required from contractors if hazardous materials are to be stored in reportable amounts at a construction-site.
63. Plans and specifications for proposed public pools and spas (hot baths) shall be submitted to the Shasta County Environmental Health Division for review and written approval prior to commencing construction and in advance of the issuance of any building, plumbing, or electrical permit.

REGIONAL WATER QUALITY CONTROL BOARD (RWQCB):

64. A Construction Storm Water Permit will be required by the RWQCB if the project includes a disturbance area(s) of one or more acres.

SHASTA COUNTY FIRE DEPARTMENT (SCFD):

65. Fire department apparatus shall have access to within 150 feet (walking distance) of any portion of the exterior wall of each new building constructed as a part of this Use Permit by means of an all-weather access road of not less than 18 feet of unobstructed width.
66. Non-residential roadways, driveways, and turnarounds shall be in accordance with Section 6.12 of the Fire Safety Standards prior to the final inspection by the Shasta County Building Division for any new structures constructed as part of this Use Permit.
67. Bridges and culverts shall be designed and constructed in accordance with the Fire Safety Standards and shall be capable of supporting a 40,000-pound vehicle load.
68. *The manager's residence and massage therapy/yoga classroom/meeting room Structures shall be provided with a street address markers located with respect to the nearest roadway and to be clearly visible at all times. Numbers shall be a minimum of four inches in height, reflectorized, and shall contrast in color with the background. A map of the public use area shall be provided at the entrance to the public use area. The map shall identify internal driveways, turnarounds, fire hydrants, buildings and other facilities. A reduced copy shall be provided to the nearest SCFD fire stations and the local volunteer fire department.*
69. Untreated wood shake and shingle roofing is prohibited. Roofing shall have a Class A classification as per the Shasta County Fire Safety Standards and the California Building Code.
70. All buildings and accessory building constructed on parcels one acre or larger in size shall be setback a minimum of 30 feet from all property lines and road easements in accordance with the Shasta County Fire Safety Standards, but a 100 foot setback is recommended in order to comply with the defensible space requirement.

71. Chimneys and flues shall be equipped with an approved spark arrestor as defined in Section 6.53 of the Fire Safety Standards.
72. Fire protection water shall be provided in compliance with Section 6.43 of the Fire Safety Standards.
73. The applicant shall dispose of any vegetation cleared for construction and/or land development purposes prior to the final inspection by the Shasta County Building Division. Disposal shall be in accordance with Air Quality Management Regulations and State or local Fire Department Burning Permit Regulations.
74. Storage, use, and dispensing of flammable/combustible liquids shall be in accordance with the adopted edition of the Uniform Fire Code. Plans shall be submitted to SCFD for review and approval prior to construction, storage, or use.
75. Storage, use, and dispensing of hazardous materials shall be in accordance with the adopted edition of the Uniform Fire Code. Plans shall be submitted to SCFD for review and approval prior to construction, storage, or use.
76. Accumulations of waste paper, weeds, combustible waste material, waste petroleum products, tires, or rubbish of any type shall be prohibited.
77. Rags, cloth, or paper towels saturated with oil, solvent, or petroleum products shall be kept in a metal can with a tight fitting cover.
78. Portable fire extinguisher(s) shall be provided in accordance with the adopted edition of the Uniform Fire Code.
79. In accordance with Public Resources Code 4291 (a) the applicant shall provide "Defensible Space", by removing and properly disposing of all flammable vegetation from around all buildings for a minimum of 100 feet or to the property line whichever is closer.
80. All mobile and stationary equipment with non-turbocharged internal combustion engines shall be equipped with a properly functioning, approved spark arrestor.
81. Each vehicle shall be equipped with a portable fire extinguisher.
82. Advisory note: The project is located in an area designated as a "VERY HIGH" Fire Hazard Severity Zone under Section 4203 of the Public Resources Code of the State of California.

ADVISORY NOTICES:

- A. This permit is granted for the listed uses and structures described herein which are to be located as shown on the approved plot plan (Exhibit A). Exceptions to the standards and/or changes to the permitted uses may be permitted upon issuance of use permit. Minor

modifications may be approved by the Planning Director. Any substantial revisions will require either amendment to this permit or a new Use Permit.

- B. If campfires are not attended to in a safe manner they can be a source of ignition for wildfire. Management and staff of the facility are advised to sensibly and safely manage the group fire ring to be used at the facility. Management, staff, and visitors should also adhere to any requirements of the Shasta County Fire Department in regard to campfire safety.
- C. This Use Permit expires and is null and void without further action by the County if the activity or the use for which the variance or use permit was granted has not been actively and substantially commenced within two years of the date of its approval. The Planning Commission may extend the time for commencement of the use or activity when the variance or use permit is approved, or during the two years following approval or affirmation of approval of the variance or use permit, if an application for an extension of time is made to the Planning Division prior to expiration of the variance or use permit.
- D. Unless otherwise noted, all listed conditions must be completed prior to initiation of the use. The applicant is responsible for demonstrating, in writing, that all conditions requiring completion prior to initiation of the use have been satisfied. Failure to demonstrate compliance with conditions may result in the project becoming null and void.

* Denotes mitigation measures of the Mitigated Negative Declaration.