

AGENDA

CITY OF ANTIOCH ZONING ADMINISTRATOR

THURSDAY, MARCH 7, 2013

3:00 P.M.

REGULAR MEETING

**ANTIOCH CITY COUNCIL CHAMBERS
THIRD & "H" STREETS**

APPEAL

All items that can be appealed under Section 9-5.2705 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 PM on **MONDAY, March 18, 2013**.

PUBLIC COMMENTS

NEW PUBLIC HEARING

1. **UP-13-01 – SUNSET EXPLORATION** requests approval of a Use Permit to allow drilling and operation of an oil/gas well as a temporary use on a 158 acre parcel. The proposed oil/gas well location is approximately 1500 feet south of the back fences of the homes that front on Mammoth Way. A Mitigated Negative Declaration and MMRP were previously adopted for this project.
2. **SUNSET EXPLORATION** appeals Community Development Director determination that Use Permit Number UP-07-20 has expired.

STAFF REPORT

STAFF REPORT

ORAL COMMUNICATIONS


WRITTEN COMMUNICATIONS

ADJOURNMENT

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the Zoning Administrator. For almost every agenda item, materials have been prepared by the City staff for the Zoning Administrator's consideration. These materials include staff reports which explain in detail the item before the Zoning Administrator and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the Community Development Department located on the 2nd floor of City Hall, 3rd and H Streets, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Thursday for inspection and copying (for a fee). Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate person.

**STAFF REPORT TO THE ZONING ADMINISTRATOR
FOR CONSIDERATION AT THE MEETING OF MARCH 7, 2013**

Prepared by: Tina Wehrmeister, Community Development Director 
Date: March 4, 2013
Subject: Use Permit Request (UP-13-01) by Sunset Exploration to Drill
and Operate a Gas/Oil Well in the Sand Creek Focus Area

RECOMMENDATION

Staff recommends that the Zoning Administrator adopt the resolution approving a Use Permit for a gas/oil well as a Temporary Use, subject to the conditions contained in the attached resolution.

BACKGROUND INFORMATION AND DISCUSSION

On February 13, 2008, the City Council approved a zoning amendment and Use Permit to allow a gas/oil well as a temporary use on a portion of a 157 acre Shea/Dividend parcel on the west side of Deer Valley Road (see attachments). The Use Permit had the following condition:

That this approval expires two years from the date of approval (Expires February 13, 2010), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.

Since the oil/gas well has not been drilled, it is staff's opinion that the original Use Permit is expired and a new permit is required, which is the subject of this item. The applicant maintains that the use is vested. The applicant has not objected to applying for a new Use Permit however, requested that the ability to challenge the determination that the original Use Permit is expired be preserved which is the subject of the following item on the agenda.

The project description has not changed since the original application. The previous staff report is attached providing a detailed description and analysis of the project. The previously adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan are adequate for this project.

ATTACHMENTS

- A. February 13, 2008 City Council staff report (includes Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan)
- B. Project plans and exhibits

RESOLUTION NO. 2013-**

**RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF ANTIOCH
APPROVING A USE PERMIT TO ALLOW OIL AND GAS
EXPLORATION/EXTRACTION WITHIN A PORTION OF THE SAND CREEK FOCUS
AREA (APN# 057-021-003) AS A TEMPORARY USE**

WHEREAS, the City of Antioch received a request from Sunset Exploration requesting approval of a use permit to allow drilling and operation of an oil/gas well as a temporary use on a 158 acre parcel located south of the existing homes on Mammoth Way, west of Deer Valley Road, and east of Empire Mine Road. The proposed oil/gas well location is approximately 1500 feet south of the back fences of the homes that front on Mammoth Way; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan were adopted for this project; and

WHEREAS, the Zoning Administrator on March 7, 2013, duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, the Zoning Administrator hereby makes the following findings for approval of a Use Permit:

1. That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

Aside from land use issues, the operation of oil and gas wells are regulated by the State of California to ensure public health and safety. The subject oil well will receive and comply with all required permits from the State.

2. That the use applied for at the location indicated is properly one for which a use permit is authorized.

In 2008 the City Council adopted Ordinance 2011-C-S allowed the proposed use with approval of a Use Permit.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood with the conditions of approval.

The drilling site is 2.75 acres and is adequate to accommodate the use.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The proposed use will generate very little traffic after start-up. The abutting street, Deer Valley Road is adequate to carry the equipment needed for project start-up and the occasional trips necessary during the life of the well.

5. That the granting of such use permit will not adversely affect the comprehensive General Plan.

The proposed oil well is a temporary use and will not adversely affect future uses on the site and in the vicinity.

NOW THEREFORE BE IT RESOLVED that the Zoning Administrator hereby **APPROVES** a Use Permit to allow oil and gas exploration/extraction within a portion of the Sand Creek Focus Area (APN# 057-021-003) as a Temporary Use, subject to the following conditions:

STANDARD CONDITIONS

1. That the City of Antioch Municipal Code be complied with.
2. That the applicant pay all applicable fees.
3. That all proposed improvements be constructed to City standards.
4. That City staff inspect the site for compliance with conditions of approval prior to final inspection approval.
5. That the proposed plans conform to the conditions of this case, and all standards and requirements of the City of Antioch, prior to any submittal for a building permit. No building permits will be issued unless the site plan meets the requirements stipulated by the review authority and standards of the City.
6. That this approval expires two years from the date of approval (Expires March 7, 2015), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
7. That the project be in compliance with and supply all the necessary documentation for AMC 6-3.2: Construction and demolition debris recycling.
8. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement or the zoning amendment upon which this use permit is contingent.

9. That black vinyl clad chain link fencing shall be provided.
10. That the following requirements of the Federally mandated NPDES program be complied with, or as required by the City Engineer:
 - a) That an application for a State of California "General Construction Activity Storm Water Permit" be submitted to the Regional Resources Control Board, and a copy of the Notice of Intent be submitted to the City, prior to any construction activity on this site;
 - b) Limiting construction access routes and stabilizing access points;
 - c) Stabilizing areas denuded due to construction) prior to wet season, October 1 through May 1) by using suitable practices including, but not limited to temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, plastic covering, application of ground base on areas to be paved;
 - d) Protecting adjacent properties by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures or other appropriate measures;
 - e) Delineating clearing limits, easements, setbacks, sensitive or critical areas and their buffers, trees and drainage courses by marking them in the field;
 - f) Stabilizing and preventing erosion from temporary conveyance channels and outlets;
 - g) Using sediment controls and filtration to remove sediment from water generated by dewatering;
 - h) Using proper construction materials and construction waste storage, handling and disposal practices;
 - i) Using proper vehicle and equipment cleaning, fueling and maintenance practices;
 - j) Controlling and preventing discharge of all potential pollutants, including but not limited to, pesticides, petroleum products, nutrients, solid wastes, and construction chemicals, that occur on site during construction;
 - k) Preparing a contingency plan in the event of unexpected rain or BMP failure including but not limited to, an immediate response plan, storing extra or alternative control materials on-site (stakes, fences, hay bales), notifying the local agency, etc.;
 - l) Education and Training – For developments with no property owner association or community association, practical information materials on good housekeeping of hazardous products, proper use and disposal for hazardous products, and prohibited discharge practices and materials must be provided, initially by the developer, to the first occupant/tenants, and thereafter by the City public education program.

- m) Labeling Storm Drain Facilities – The phrase “No Dumping – Drains to River” must be embossed/stamped on all new storm drain inlets to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Watercourses should be similarly labeled by posting signs.
 - n) Runoff Control – to the extent practicable, maintain post-development peak runoff rate and average volume of runoff at levels that are similar to pre-development levels. The developer must design the proposed project accordingly.
- 11. That the developer provide an adequate and reliable water supply for fire protection, and appropriate access roadways with all-weather driving surfaces prior to any combustible construction.
 - 12. That the project comply with the building code in effect at the time of building permit issuance.
 - 13. Prior to construction of the proposed improvements, the City of Antioch shall require the application of standard best management practices (BMPs) to control dust during construction. As required by the BMP's, daily log sheets showing the BMPs used and any variances found shall be recorded to insure compliance.

PROJECT SPECIFIC CONDITIONS

- 14. That prior to any drilling operations that the applicant shall meet with the City's Building Official to determine the type of City permits that are required for the various aspects of the proposed project, and shall make application with the City for all required permits.
- 15. That the applicant shall provide notice to all property owners located within 300 lineal feet of the subject parcel, and to all properties within the Deer Hill Lane neighborhood a minimum of 10 days prior to the commencement of any drilling operations. Such notice shall state the date, time, and estimated duration of any drilling. Such notice shall include the applicants contact information.
- 16. Prior to issuance of building permits, the City shall confirm the location of all exterior light fixtures and verify that all project light fixtures are directed towards the ground, and do not illuminate or spill over onto adjacent properties.

17. If suitable avian nesting habitat is intended to be removed during the nesting season, from February 1 through August 31, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. No vegetation removal or ground disturbance shall occur within the 250-foot buffer. For raptor species—birds of prey such as hawks and owls—this buffer shall be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor.
18. If a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. Potentially significant cultural resources consist of, but are not limited to stone, bone, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites.
19. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the Contra Costa County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
20. Prior to activation of the compressor, the applicant shall provide documentation to the Director of Community Development verifying that the compressor is equipped with sufficient mufflers and surrounded with a noise protection barrier sufficient to mitigate noise levels at the boundary of the project to 60CNEL.
21. That a sound engineer be on site during drilling to determine sound levels and make recommendations to further mitigate sound as necessary in order to meet City noise standards. Such mitigation measures shall be implemented as determined by the Director of Community Development.

22. Properties within 3000 lineal feet of the 2.75 acre drill site that are currently on well water, including properties within the Deer Hill Lane neighborhood, shall be named by endorsement as additional insured on the general liability policy of Sunset Exploration's insurance policy in order to safeguard such well water for the duration of the drilling and operation of the oil/gas well. The applicant shall provide documentation to the satisfaction of the City Attorney verifying that this requirement has been met prior to the commencement of any drilling operations.
23. That the proposed facilities shall be screened from off site view using hay bales and other appropriate screening materials as determined by the Director of Community Development.
24. That any vehicles servicing the site shall be limited to day time hours only.


* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Zoning Administrator of the City of Antioch at a meeting thereof held on the 7th day of March, 2013.

Tina Wehrmeister,
Secretary to the Zoning Administrator

ATTACHMENT "A"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF FEBRUARY 13, 2008

Prepared by: Victor Carniglia, Deputy Director of Community Development ✓
Reviewed by: Joseph Brandt, Director of Community Development 
Date: February 5, 2008
Subject: A Zoning Amendment (Z-07-06) and Use Permit Request (UP 07-20) by Sunset Exploration to Drill and Operate a Gas/Oil Well in the Sand Creek Focus Area

RECOMMENDATION

Staff recommends that the City Council take the following actions as recommended by the Planning Commission:

1. Motion to approve the resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Study District ("S") Municipal Code Amendment and Sunset Oil and Gas Well Project.
2. Motion to introduce the ordinance by title only.
3. Motion to introduce the ordinance amending Section 9-5.3802 and adding Section 9-5.3804 of the Antioch Municipal Code related to oil drilling in the "S" Study District.
4. Motion to adopt resolution approving a Use Permit for a gas/oil well as a Temporary Use as requested by the applicant, subject to the conditions contained in the attached resolution.

BACKGROUND INFORMATION

The eastern portion of the Sand Creek Focus Area lies at the edge of what is referred to as the "Brentwood Oil and Gas Field". Historically, this field has delivered high volumes of natural gas, along with some oil products. In the 1980's, many of the wells were closed due to dwindling production. By 1994, when the Sand Creek Focus Area was annexed to the City, all of the existing oil wells had either shut down or ceased production. As part of the annexation process to the City in 1993-1994, concerns were expressed by property owners in the Sand Creek Focus Area that in the future the wells may be reopened and/or new wells drilled. The City had similar concerns, and the "S" Study zoning for the Sand Creek Focus Area included a prohibition against any mineral extraction within the area. This "S" Study zoning for the Sand Creek Focus Area is still in place.

On December 14, 2004, the City Council discussed a request by Sunset Exploration to drill a gas/oil well on Antioch Unified School District (AUSD) property on the east side of Deer Valley Road. The proposal was to slant drill from the AUSD property to under the adjacent County Flood Control basin site. Sunset Exploration would then pay royalties to both AUSD and Flood Control for drilling rights. An exemption was requested from the zoning prohibition against oil and gas exploration based on the fact that the proposed drill site was located on public property. The City Council at the December 14, 2004 meeting continued the item, and requested more information from the applicant concerning the drilling operation. The City Attorney subsequently determined that granting an "exemption" to the prohibition against oil/gas exploration was not appropriate, based on the fact that other agencies are only "exempt" from local zoning restrictions if the activity in question is consistent with the primary purpose and function of the public agency in question. Oil/gas exploration did not meet that legal test for either AUSD or the Flood Control District.

This issue came back to the City Council on October 25, 2005, at the request of Sunset Exploration. City Council on a 3-2 vote directed staff to amend the existing zoning (the S Study Zone) to allow oil and gas exploration to be considered within the Sand Creek Focus Area subject to the approval of a use permit. Such a use permit would be subject to Planning Commission or City Council approval. In the months following the October 25, 2005 Council meeting, the representative from Sunset Exploration continued to talk with property owners in the Sand Creek Focus Area. After several months, it was initially determined by Sunset Exploration that only the owners of the Leung Property and the AUSD were willing to allow oil and gas exploration on their property. However, during the Planning Commission hearing process which began in the summer of 2006, the owner of the Leung Property determined that they were no longer interested in permitting oil and gas exploration on their land. Then on October 11, 2006, the AUSD School Board by a unanimous vote decided not to allow a gas/oil well to be drilled on their property. Given this turn of events, the Planning Commission on November 1, 2006, tabled the item. At this meeting, the representative from Sunset Exploration did not contest the item being tabled but indicated he was still talking to property owners and hoped to come back before the City at a future date. Attached are minutes of the relevant Planning Commission and City Council meetings.

With the recent downturn in the housing market, the near term prospects for development of the Sand Creek Focus Area have dimmed. As a result, at least one property owner in the area (in this case Shea/Dividend) has agreed to allow a gas/oil well to be drilled on their property. The primary benefit to the property owner of the proposed well is the royalties the owner would receive if the well is successful. The owner of the property (Shea/Dividend) intends to apply for residential entitlements for their property once they feel that market conditions warrant development. The oil well would be removed prior to any residential development occurring. It is worth noting that the City in 2005 approved a Residential Development Allocation (RDA) for approximately 1500 senior housing units as part of a development plan that includes the subject property.

On November 14, 2007, an informational meeting was held by Sunset Exploration at Prewett Family Park. The City mailed notices concerning this meeting to residents within 300 ft. of the parcel where the gas/oil well is proposed. Approximately ten residents attended the meeting, along with a legal representative of the nearby Zocchi property. City staff also attended. A number of questions were asked primarily concerning the operation of the proposed well. On December 19, 2007, the Planning Commission considered the item, and recommended that the City Council approve the requested amendments to the Study Zone along with the Use Permit for oil and gas drilling. Draft minutes of that meeting are attached, along with letters received from surrounding residents/property owners. After the Planning Commission meeting, staff received calls from residents in the Mammoth Way with additional questions about the proposed oil well. On January 31, 2008, staff and representatives from Sunset Exploration met with residents in the Mammoth Way neighborhood to answer questions.

ENVIRONMENTAL REVIEW:

A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been prepared for the proposed Ordinance Amendment and Use Permit. A copy of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan is attached (Attachment A).

ANALYSIS:

Temporary Nature of Use: Before discussing the details of the proposed gas/oil well, it is important to note that the oil well is proposed as a temporary use. The proposed Zoning Ordinance amendments and the conditions of the use permit treat the proposed gas/oil well as a temporary facility. It is staff's understanding that both the property owner and the well operator agree that the gas/oil well will cease operation and will be removed prior to any development occurring on the subject property.

This arrangement avoids a possible future scenario whereby new development might be approved and constructed in close proximity of an operating oil well. In the 1990's, the City actually faced this situation on the Williamson Ranch property in the Southeast Area where new residential development was built around an existing operating gas/oil well. In order to address this awkward situation, noise barriers and "blast walls" had to be built around the operating well to protect the surrounding homes. The proposed requirements in the ordinance and use permit, which treat a gas/oil well as a temporary use, should avoid a repeat of this scenario.

Given this arrangement, the use permit for the gas/oil well is not proposed to expire after a specific length of time. The gas/oil well would be removed when the owner determined it was no longer commercially viable, when it ceased operation, or when the Shea/Dividend property is developed. Sunset Exploration has indicated that the lifespan for a typical successful gas/oil well in the area is about 15 to 20 years.

Location of Proposed Gas/Oil Well: The gas/oil well is being proposed on a portion of a 157 acre Shea/Dividend parcel on the west side of Deer Valley Road in the location shown in the enclosed exhibits. This 157 acre parcel is part of the larger approximately 640 acre property owned by Shea/Dividend. The well itself is confined to a roughly 400' x 300' (2.75-Acre) drill pad. The proposed well is situated approximately 300' from any structures, and is more than 1,500 feet from the nearest existing residences to the north within the Southeast Antioch area. These residences include the existing single family homes on Mammoth Way and the homes on Stanley, Vallejo, and Zinfandel Courts. The proposed well is approximately 1400 feet from Deer Valley to the east and approximately 2000 feet from the closest building in the Kaiser Medical Complex.

Description of Drilling Operations: The drilling phase of the gas/oil well operation would have the most significant impact on surrounding uses. An exploratory well will take from 7-10 days to drill, and the drill would run 24 hours a day. Drilling operations would be conducted by a portable drilling rig, which will be removed from the site when drilling operations have been completed. If drilling results in the discovery of commercial quantities of oil and or natural gas, a smaller portable rig will be brought to the site for approximately 5 days. Other wells in the area have had to be drilled approximately one mile deep in order to reach viable quantities of gas/oil products.

Description of the Facilities Proposed: As stated previously, the various components of the gas/oil well would occupy approximately 2.75 acres. If drilling proves successful, four items will be installed onsite. The plans provided by the applicant show the location of these facilities:

- A wellhead measuring approximately 5 feet tall.
- A storage tank not measuring more than 10 feet tall.
- A compressor measuring approximately 3 feet tall.
- An underground gas pipe connection to the existing gas transmission lines in Deer Valley Road.

The site will be secured by a 6 foot high chain link fence running around the perimeter. Security lighting will be provided.

If drilling proves unsuccessful, or when applicant ceases producing operations and plugs and abandons the well(s), all equipment will be removed and the site(s) will be restored to its original condition. All drilling, producing, well servicing and abandoning operations will be confined to the site and will be conducted in compliance with the rules and regulations of the State of California Division of Oil and Gas (SCDOG).

The applicant has stated that if the well proves successful, they may wish to drill up to two additional wells within the perimeter of the proposed gas/oil well site, for a total of three well heads within the 2.75 acre enclosure. This would involve some additional equipment, although it is anticipated that the single storage tank could handle all 3 well heads.

Operation of the Gas/Oil Well: The exploration phase of the project will employ up to 5 workers. Truck traffic would be limited to the drill-rig arriving onsite, a few truck deliveries of equipment, and the workers' cars. If the oil well is successful, one employee would visit the site once a day and a truck would service/drain the tank as needed. A truck servicing/draining the on site tank would be the same type and size of vehicle that one commonly sees delivering gasoline to service stations. The existing driveway would be used to provide vehicular access to Deer Valley Road. Gas from the well would be piped to the existing gas pipelines located in Deer Valley Road. This would require the construction of an underground gas line from the well head to Deer Valley Road, and would be placed in the driveway which currently provides access to the existing ranch house.

The oil well would operate 24 hours a day 7 days a week when in operation. The primary equipment operating on site would be the compressor and the pump at the well head. It is staff's understanding that this equipment would be diesel powered or would operate on the natural gas extracted from the well itself.

Planning Commission Hearing: As stated in the "Background" section of this report, the Planning Commission heard this issue on December 19, 2007. Copies of the draft minutes of this meeting are attached, along with letters received at the meeting. Concerns expressed by nearby residents and property owners raised such issues as environmental impacts, noise, health risks, and safety. In addition, legal counsel for the Zocchi property, which is located just east of the subject parcel on the east side of Deer Valley Road, spoke in opposition. Attached is a letter from the firm of Miller/Star/Regalia representing Zocchi that was distributed at the Commission meeting. Zocchi's opposition, as explained in their letter, is due in large part to their feeling that such a change would set an undesirable precedent. While the Zocchi representatives oppose the project, they proposed a requirement that no oil well be located closer than 1500 feet from the existing homes to the north. Such a requirement would help ensure that no drilling could occur on the Zocchi property, which is well within the 1500 foot minimum requirement. It is staff's understanding that Zocchi supports such a restriction, due in part to the fact that Zocchi may not fully own the underlying mineral rights on their property.

Staff in the proposed zoning amendments and use permit conditions of approval has attempted to address the various project issues, including the issues raised during the Planning Commission hearing process. The following sections summarize the proposed changes to the Study Zone and the key mitigation measures required as part of the use permit.

Proposed Ordinance Amendments: A copy of the proposed ordinance amendment is attached. Procedurally, the proposed Zoning Ordinance Amendment modifies the existing "S" Study Zone that applies to the Shea/Dividend parcel in the Sand Creek Focus Area, and allows oil/gas wells to be considered with a use permit as a temporary use subject to the following requirements:

- That any oil/gas well shall cease operation, be completely removed from the site, and any necessary cleanup and site remediation performed 30 days prior to the issuance of grading permits for any new residential development on the subject property and/or on the adjacent Leung property.
- That the amendment only be applicable to the approximately 158 acre Shea/Dividend parcel (APN #057-021-003) located on the west side of Deer Valley Road.
- That an oil/gas well shall be subject to the approval of a use permit.
- That any oil/gas well shall be located a minimum of 1500 lineal feet from the backyard fence line of the existing residences on the northern boundary of the subject parcel (APN# 057-021-003).
- That any oil/gas well shall be screened to the extent practical from off site views, with particular attention paid to views of the oil well site from public roads and existing and planned residential uses. The oil/gas well operation shall use low profile equipment to the extent practical. The exact amount and type of screening and height of the proposed equipment shall be determined as part of the use permit process.
- The maximum noise generated by the gas/oil well, with mitigation, may not exceed 60CNEL at the boundary of the facility.
- An all weather surface shall be provided to the gas/oil well site, and shall be adequate to serve any tanker trucks accessing product storage on site, as determined by the City Engineer. Any tanker trucks serving the site shall be scheduled so as to minimize the impact on nearby residents.

The Zoning Amendment is structured so that it applies only to the 158 acre Shea/Dividend property, and not to any other land within the roughly 2700 acre Sand Creek Focus Area. However, it is conceivable that other property owners may request a similar Zoning Amendment, particularly if the proposed gas/oil well is approved and proves commercially successful.

When staff took this item to the Planning Commission the ordinance required that the City Council approve Use Permit requests for an oil or gas well. In order to maintain standard procedural practices staff is recommending that the ordinance require a Use Permit that will be heard by the Planning Commission and would be able to be appealed to City Council.

Use Permit Conditions: The zoning requirements just described address broader issues and impacts relevant locating a gas/oil well within a given area. The use permit requirements focus on more site specific issues. The following is a summary of relevant use permit issues/impacts and the conditions proposed to address the issues/impacts. Many of these conditions are mitigation measures taken from the attached Mitigated Negative Declaration:

Visual Impacts: The site itself is located over 1500 ft. from both the existing homes to the north and Deer Valley Road to the east, although it is only 300 feet from the existing farm house on the subject property. The tallest piece of equipment proposed on the site

is the 10 foot high petroleum product storage tank. The other components of the gas/oil well are generally 5 feet or less in height. Given the relatively low profile of the facility combined with the significant setbacks from existing homes and roadways, the visual impacts of the facility will be less than significant. The applicant is proposing to place hay bales around the northern and eastern perimeter of the facility to provide screening, and would help the gas/oil well blend in with the surrounding "ranch" buildings. The well site would be secured with a 6 foot high chain link fence, and approximately 1000 lineal feet of fencing would be required. In order to lessen the visual prominence of this chain link fence, a condition has been added requiring that black vinyl clad fencing be used. On site security lighting is required to be shielded.

Noise Impacts: Noise is the greatest potential impact of the gas/oil well, given that a productive well will likely run 24 hours a day, 7 days a week. The primary sources of noise generation from the well operation will be the compressor and pump. The compressor will be required to run when the pressure at the well head is less than the pressure of the gas line into which the gas will be transmitted. The equipment used is required to meet the City's noise standard of a maximum of 60 CNEL at the boundary of the gas/oil well. Typically this is done through mufflers mounted on the equipment. Given that the City's noise standards are required to be met at the perimeter of the gas/oil facility and given that this perimeter is in excess of 1500 feet from the homes to the north, noise impacts would not be significant.

It should be noted that while the proposed gas/oil well will meet the City's quantitative standards, the noise generated by industrial standard compressors running 24 hours a day could have a "nuisance" noise impact on surrounding residents. This is particularly true in the nighttime hours for homes where bedroom windows face south toward the gas/oil well. This potential nuisance noise impact would increase greatly in the event there is some sort of equipment malfunction, resulting in noise generation well in excess of the manufacturer's standards. There is also the potential for increased noise over time as the equipment starts to inevitably wear out.

Biologic Issues: Prior to developing the property, the applicant is required to do a biologic survey to verify there are no endangered species present in the area. The proposed gas/oil well is remote from known sensitive habitats in the Sand Creek Focus Area. Any biologic value of the site has also been impacted by the farming/ranching activity that has occurred over the years at the nearby ranch house.

Hazardous Materials Issues: Any site where petroleum products are being extracted immediately raises potential hazardous materials concerns. The State has a long list of requirements that must be met in order for Sunset Exploration to drill and operate the proposed gas/oil well. These requirements must be met on this site. In addition, when the well is ultimately removed, the site needs to be cleaned to its pre existing condition. Numerous wells in the area over the years, both in Antioch and Brentwood, have been closed and the sites successfully cleaned.

A related "hazardous material" issue is that the residents that live in the homes on the west side of Deer Valley Road near Deer Hill Lane have expressed concerns that a gas/oil well may potentially contaminate their wells that they use for drinking water. As previously indicated, the gas/oil well will likely be close to 1 mile underground while the water wells in the area are typically not much more than 100 to 200 feet deep. In addition, the State requires that any gas/oil well have impermeable casing within the shaft that prevent any petroleum products from migrating into the soils surrounding the well shaft. In order to provide further safeguards a condition was added to the use permit by the Planning Commission requiring the applicant to insure the existing water wells in the area in the unlikely event of contamination from the proposed oil/gas well.

FISCAL IMPACT:

The proposed oil well would have a slight positive fiscal impact on the City due to the tax collected from the production of natural gas at the site. Any royalties paid for the extraction of any gas and/or oil would be received by the owner of the mineral rights (in this case Shea/Dividend).

OPTIONS:

The City Council could deny the requested amendments to the Zoning Ordinance, thereby retaining the prohibition against mineral extraction in the Sand Creek Focus Area.

ATTACHMENTS

- A. Mitigated Negative Declaration
- B. August 16, 2006 Planning Commission Minutes
- C. October 4, 2006 Planning Commission Minutes
- D. November 1, 2006 Planning Commission Minutes
- E. October 25, 2006 City Council Minutes
- F. January 23, 2007 City Council Minutes
- G. Draft December 19, 2007 Planning Commission minutes
- H. Letters received at December 19, 2007 Planning Commission hearing

RESOLUTION NO. 2008/xx

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PLAN FOR THE STUDY DISTRICT ("S")
MUNICIPAL CODE AMENDMENT AND SUNSET OIL AND GAS WELL
PROJECT**

WHEREAS, pursuant to the California Environmental Quality Act and City implementing procedures, an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been prepared by the City of Antioch for the Study District ("S") Municipal Code Amendment and Sunset Oil and Gas Well Project; and

WHEREAS, on December 19, 2007 the Planning Commission recommended adoption of the Mitigated Negative Declaration; and

WHEREAS, pursuant to Section 15105.b of the California Environmental Quality Act Implementation Guidelines, the City of Antioch duly gave notice of preparation of a Mitigated Negative Declaration; and

WHEREAS, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan are available for public inspection at the Department of Community Development, Third and "H" Streets, Antioch, CA 94509; and

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby ADOPT the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Study District ("S") Municipal Code Amendment and Sunset Oil and Gas Well Project.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 13th day of February, 2008 by the following vote:

AYES:

NOES:

ABSENT:

L. JOLENE MARTIN, City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

Sunset Exploration Use Permit UP-07-20
City of Antioch

IMPACTS	MITIGATION MEASURE	RESPONSIBLE PARTY	TIMING	IMPLEMENTED DATE	INITIALS
<u>Impact AES-1:</u> Light and Glare	<u>Mitigation Measure AES-1:</u> Prior to issuance of building permits, the City shall confirm the location of all exterior light fixtures and verify that all project light fixtures are directed towards the ground, and do not illuminate or spill over onto adjacent properties	City of Antioch	Prior to issuance of building permits		
<u>Impact AQ-1:</u> Air Quality	<u>Mitigation Measure AQ-1:</u> Prior to construction of the proposed improvements, the City of Antioch shall require the application of standard best management practices (BMPs) to control dust during construction. As required by the BMP's, Daily log sheets showing the BMPs used and any variances found shall be recorded to insure compliance. BMPs shall include: Application of water on disturbed soils and unpaved roads a minimum of two times per day.	City of Antioch	Prior to construction		

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IMPACTS	MITIGATION MEASURE	RESPONSIBLE PARTY	TIMING	IMPLEMENTED DATE	IMPLEMENTED INITIALS
	<p>Use of track-out prevention devices at construction site access points.</p> <p>Stabilization of construction area exit points.</p> <p>Covering of haul-vehicles, if applicable.</p> <p>Covering of stockpiled soil or fill.</p> <p>Maintenance of all equipment according to manufacturers' guidelines.</p> <p>Reduction of speeds of vehicles and equipment on unpaved roads and surfaces to a maximum of 15 miles per hour.</p> <p>Cessation of operation of grading equipment when wind speeds meet or exceed 25 miles per hour.</p> <p>Cessation of operation of grading equipment on BAAQMD "Spare the Air" days.</p> <p>Replanting of disturbed areas as soon as practical, and other measures, as deemed appropriate</p>				

All

IMPACTS	MITIGATION MEASURE	RESPONSIBLE PARTY	TIMING	IMPLEMENTED DATE	IMPLEMENTED INITIALS
<p><u>Impact Bio 1:</u> Biological Resources</p>	<p>to the site, to control fugitive dust.</p> <p><u>Mitigation Measure Bio -1:</u> If suitable avian nesting habitat is intended to be removed during the nesting season, from February 1 through August 31, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. No vegetation removal or ground disturbance shall occur within the 250-foot buffer. For raptor species—birds of prey such as hawks and owls—this buffer shall be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor.</p>	<p>City of Antioch</p>	<p>Prior to construction</p>		
<p><u>Impact Cultural 1:</u> Cultural Resources</p>	<p><u>Mitigation Measure Cultural 1:</u> If a potentially significant cultural resource is encountered during subsurface earthwork activities, all</p>	<p>City of Antioch</p>	<p>During construction</p>		

IMPACTS	MITIGATION MEASURE	RESPONSIBLE PARTY	TIMING	IMPLEMENTED DATE	IMPLEMENTED INITIALS
	<p>construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. Potentially significant cultural resources consist of, but are not limited to stone, bone, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites</p>				
<u>Impact Cultural 2</u>	<p><u>Mitigation Measure Cultural 2:</u> If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the Contra Costa County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and</p>	City of Antioch	During Construction		

IMPACTS	MITIGATION MEASURE	RESPONSIBLE PARTY	TIMING	IMPLEMENTED	
				DATE	INITIALS
	recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).				
<u>Impact Noise -1</u>	Mitigation Measure Noise 1: Prior to activation of the compressor, the City of Antioch will verify that the compressor is equipped with sufficient mufflers and surrounded with a noise protection barrier sufficient to mitigate noise levels at the boundary of the project to 60dBL.	City of Antioch	Prior to Operation		
<u>Impact Noise -2</u>	Mitigation Measure Noise 2: All construction activities shall adhere to the following requirements: All construction equipment shall use properly operating mufflers. Combustion equipment such as pumps or generators operating within 500 feet of any occupied residence shall be surrounded with a noise protection barrier	City of Antioch	During Construction		

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING SECTION 9-5.3802 AND ADDIING SECTION 9-5.3834 OF THE
ANTIOCH MUNICIPAL CODE RELATED TO OIL DRILLING IN THE "S"
STUDY DISTRICT**

WHEREAS, the City of Antioch received a request from Sunset Exploration requesting approval of a use permit to allow them to drill and operate an oil/gas well as a temporary use on a 158 acre parcel located south of the existing homes on Mammoth Way, west of Deer Valley Road, and each of Empire Mine Road; and

WHEREAS, the Planning Commission on December 19, 2007, duly held a public hearing, received and considered evidence, both oral and documentary; and recommended approval of a Mitigated Negative Declaration, amendment to the Municipal Code and temporary use permit, and

WHEREAS, the City Council duly gave notice of public hearing as required by law; and duly held a public hearing on February 13, 2008, and received and considered evidence, both oral and documentary; and

WHEREAS, pursuant to the California Environmental Quality Act and City implementing procedures, an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been prepared by the City of Antioch for the Study District ("S") Municipal Code Amendment and Sunset Oil and Gas Well Project, which has been adopted; and

WHEREAS, pursuant to Section 9-5.2802 of the Antioch Municipal Code, the City Council finds that the proposed amendments to the Zoning Ordinance are required by public necessity, convenience and general welfare.

The City Council of the City of Antioch does ordain as follows:

SECTION 1: Section 9-5.3802 is hereby amended in its entirety to read as follows:

§ 9-5.3802 INTRODUCTION TO LAND USE REGULATIONS.

(A) The charts and text in § 9-5.3803 are adopted as the city's basic land use regulations. The uses shown in this chart are divided into five groups:

(1) Residential;

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- (2) Public and semi-public;
- (3) Commercial;
- (4) Industrial; and
- (5) Temporary uses.

(B) To determine in which zone a specific use is allowed:

- (1) Find the use on the left hand side of the table.
- (2) Read across the chart until either a number or a letter appears in one of the columns.

(3) If a number appears, this means that the use is allowed in the zone represented by that column, but only if certain special requirements are met. The requirements applicable to that use are listed in this article. The number appearing in the zoning column corresponds to the number of the footnote.

(4) If a "P" appears in the column, the use is permitted in that zone by right. If a "U" appears in the column, a use permit is required. If an "A" appears, an administrative use permit is required which can be issued by the Zoning Administrator or designated staff. If no letter or number appears in the column, then the use is not allowed in that zone.

(5) The Planning Commission shall interpret the appropriate zone for any land use not specifically mentioned in this chart and not similar to any use listed.

(6) If a specific use does not appear in the chart, contact the Community Development Department for assistance.

(7) In the Hillside Planned Development (HPD), Planned Development (PD), Combining (B), Manufactured Housing Combining (T), and Senior Housing Overlay (SH) Districts use permit approval is required for all uses.

(8) In the Mixed Use Medical Facility (MUF) District, a final development plan and use permit approval is required for all uses. Processing of final development plans and use permits in the MUMF District shall be as outlined in the Planned Development District (PD) section of this chapter.

(C) Legend.

P Permitted by right

- U Use permit
- A Administrative use permit
- (—) Not allowed

(1 to 29) - See Land Use Footnotes

SECTION 2: Section 9-5.3834 is hereby added to the Antioch Municipal Code as follows:

§ 9-5.3834 STUDY DISTRICT (S)

- (A) Within the "S" Study district, all properties are entitled to and restricted by the requirements of the previous County zoning designations that applied to the property prior to the date of annexation by the city.

- (1) All land uses existing on the date of annexation by the city shall be allowed to continue and expand as would otherwise have been allowed under the previous county zoning designations, including the keeping of animals and other uses of land permitted under county ordinances prior to the date of annexation by the city.

- (2) No individual application for approval of a development project, other than what would have been allowed under the previous county zoning designations may be approved in advance of approval by the city of a specific plan, or an alternative planning process as determined by the City Council

- (B) Oil and Gas Wells Exploration and Extraction

- (1) Objectives and Purpose. It is the intent and purpose of this Section to regulate as a Temporary Use within a portion of the Sand Creek Focus Area the exploration for, drilling, and recovery of oil, gas and other hydrocarbons, including injection wells, so that these activities may be conducted in a manner that: a) protects public health, safety and welfare; b) minimizes the potential impact and existing and proposed residential uses, and c) protects the quality of the environment. These operations are also subject to state and federal regulations administered by those agencies.

- (2) Definition. "Oil/Gas Well" means that surface area and related equipment used for oil or gas drilling or extraction operations, for injection purposes in enhanced petroleum recovery operations after drilling is completed, and oil and gas recovery activities following completion of drilling. A well site may include one or more wells.

ETN =
added language
to draft
GA

(3) General Requirements.

- (a) That any oil/gas wells shall be subject to the approval of a use permit and be considered a Temporary Use.
- (b) Building permits, including plumbing and electrical permits as appropriate, are required for the installation of structures and equipment for the oil/gas well.
- (c) To the extent practical, oil or gas wells shall be located so as to maximize the distance between the proposed facility and existing residences, but in no event less than 1500 feet from existing homes.
- (d) Appropriate financial security shall be provided to the City prior to the drilling of an oil/gas well to ensure the removal of the oil/gas well and sufficient to ensure the site is returned to its original condition. The City may also utilize this financial security to ensure the removal of the oil/gas well in the event the oil/gas well is no longer in operation. The oil/gas well is considered by the City to be no longer in operation if all mineral extraction operations cease on the site for a minimum of a consecutive 30 day period. The exact type of financial security and amount of financial security to ensure the removal of an oil/gas well and any necessary site remediation shall be determined by the Director of Community Development.
- (e) Any oil/gas well shall be screened to the extent practical from off site views, with particular attention paid to views of the oil well site from public roads and existing and planned residential uses. The exact amount and type of screening and height of the proposed screening and equipment shall be determined as part of the use permit process.
- (f) Security measures shall be provided to prevent unauthorized entry to the oil/gas well. The exact security measures utilized shall be determined as part of the use permit process.
- (g) Noise mitigation measures shall be incorporated into any oil/gas well operation so as to minimize the sound generated by the facility. The noise generated by the oil/gas well, with mitigation, may not exceed 60CNEL at the boundary of the facility.
- (h) An all weather surface shall be provided to the oil/gas well site, and shall be designed to be adequate to serve any tanker trucks accessing product storage on site, as determined by the City Engineer. Any tanker trucks serving the site shall be scheduled so as to minimize the impact on nearby residents. The exact configuration of the access road and hours of any tanker truck transport shall be determined as part of the use permit process.

(4) Specific Requirements for APN 057-021-003.

- (a) That an oil/gas well may only be considered as a Temporary Use on the approximately 158 acre parcel owned by Shea/Dividend located on the west side of Deer Valley Rd, Assessors Parcel Number (APN) 057-021-003. Oil/gas wells are not allowed as either a temporary or permanent use on any other properties within the Sand Creek Focus Area.
- (b) That any oil/gas well shall be located a minimum of 1500 lineal feet from the fence line of the existing residences on the northern boundary of the subject parcel (APN# 057-021-003).
- (c) Any oil/gas well is considered a Temporary Use and shall 1) cease operation, 2) be completely removed from the site, and 3) any necessary cleanup and site remediation shall be completed prior to the issuance of grading permits for any new residential development on the Shea/Dividend Property (APN 057-021-003).

SECTION 3. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions are severable.

SECTION 4. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch, held on the 13th of February 2008 and passed and adopted at a regular meeting thereof, held on the ____ day of ____ 2008, by the following vote:

AYES:
NOES:
ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

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**CITY OF ANTIOCH CITY COUNCIL
RESOLUTION NO. 2007-XX**

WHEREAS, the City of Antioch received a request from Sunset Exploration requesting approval of a use permit to allow them to drill and operate an oil/gas well as a temporary use on a 158 acre parcel located south of the existing homes on Mammoth Way, west of Deer Valley Road, and each of Empire Mine Road. The proposed oil/gas well location is approximately 1500 feet south of the back fences of the homes that front on Mammoth Way; and

WHEREAS, the Planning Commission on December 19, 2007, duly held a public hearing, received and considered evidence, both oral and documentary; and recommended approval, and

WHEREAS, the City Council duly gave notice of public hearing as required by law; and duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan were adopted for this project; and

WHEREAS, the City Council hereby makes the following findings for approval of a Use Permit:

1. That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;
2. That the use applied for at the location indicated is properly one for which a use permit is authorized;
3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood with the conditions of approval;
4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use; and
5. That the granting of such use permit will not adversely affect the comprehensive General Plan.

NOW THEREFORE BE IT RESOLVED that the City Council hereby **APPROVES** a Use Permit to allow oil and gas exploration/extraction within a portion of the Sand Creek Focus Area (APN# 057-021-003) as a Temporary Use, contingent upon the adoption of the zoning ordinance amendment to allow such use subject to the following conditions:

STANDARD CONDITIONS

1. That the City of Antioch Municipal Code be complied with.
2. That the applicant pay all applicable fees.
3. That all proposed improvements be constructed to City standards.
4. That City staff inspect the site for compliance with conditions of approval prior to final inspection approval.
5. That the proposed plans conform to the conditions of this case, and all standards and requirements of the City of Antioch, prior to any submittal for a building permit. No building permits will be issued unless the site plan meets the requirements stipulated by the review authority and standards of the City.
6. That this approval expires two years from the date of approval (Expires February 13, 2010), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
7. That the project be in compliance with and supply all the necessary documentation for AMC 6-3.2: Construction and demolition debris recycling.
8. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement or the zoning amendment upon which this use permit is contingent.
9. That black vinyl clad chain link fencing shall be provided.
10. That the following requirements of the Federally mandated NPDES program be complied with, or as required by the City Engineer:
 - a) That an application for a State of California "General Construction Activity Storm Water Permit" be submitted to the Regional Resources Control Board, and a copy of the Notice of Intent be submitted to the City, prior to any construction activity on this site;

- b) Limiting construction access routes and stabilizing access points;
- c) Stabilizing areas denuded due to construction) prior to wet season, October 1 through May 1) by using suitable practices including, but not limited to temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, plastic covering, application of ground base on areas to be paved;
- d) Protecting adjacent properties by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures or other appropriate measures;
- e) Delineating clearing limits, easements, setbacks, sensitive or critical areas and their buffers, trees and drainage courses by marking them in the field;
- f) Stabilizing and preventing erosion from temporary conveyance channels and outlets;
- g) Using sediment controls and filtration to remove sediment from water generated by dewatering;
- h) Using proper construction materials and construction waste storage, handling and disposal practices;
- i) Using proper vehicle and equipment cleaning, fueling and maintenance practices;
- j) Controlling and preventing discharge of all potential pollutants, including but not limited to, pesticides, petroleum products, nutrients, solid wastes, and construction chemicals, that occur on site during construction;
- k) Preparing a contingency plan in the event of unexpected rain or BMP failure including but not limited to, an immediate response plan, storing extra or alternative control materials on-site (Stakes, fences, hay bales), notifying the local agency, etc.;
- l) Education and Training – For developments with no property owner association or community association, practical information materials on good housekeeping of hazardous products, proper use and disposal for hazardous products, and prohibited discharge practices and materials must be provided, initially by the developer, to the first occupant/tenants, and thereafter by the City public education program.
- m) Labeling Storm Drain Facilities – The phrase “No Dumping – Drains to River” must be embossed/stamped on all new storm drain inlets to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Watercourses should be similarly labeled by posting signs.
- n) Runoff Control – to the extent practicable, maintain post-development peak runoff rate and average volume of runoff at levels that are similar to pre-development levels. The developer must design the proposed project accordingly.

11. That the developer provide an adequate and reliable water supply for fire protection, and appropriate access roadways with all-weather driving surfaces prior to any combustible construction. [8704.1] UFC.
12. That the project comply with the building code in effect at the time of building permit issuance.
13. Prior to construction of the proposed improvements, the City of Antioch shall require the application of standard best management practices (BMPs) to control dust during construction. As required by the BMP's, daily log sheets showing the BMPs used and any variances found shall be recorded to insure compliance.

PROJECT SPECIFIC CONDITIONS

14. That prior to any drilling operations that the applicant shall meet with the City's Building Official to determine the type of City permits that are required for the various aspects of the proposed project, and shall make application with the City for all required permits.
15. That the applicant shall provide notice to all property owners located within 300 lineal feet of the subject parcel, and to all properties within the Deer Hill Lane neighborhood a minimum of 10 days prior to the commencement of any drilling operations. Such notice shall state the date, time, and estimated duration of any drilling. Such notice shall include the applicants contact information.
16. Prior to issuance of building permits, the City shall confirm the location of all exterior light fixtures and verify that all project light fixtures are directed towards the ground, and do not illuminate or spill over onto adjacent properties.
17. If suitable avian nesting habitat is intended to be removed during the nesting season, from February 1 through August 31, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. No vegetation removal or ground disturbance shall occur within the 250-foot buffer. For raptor species—birds of prey such as hawks and owls—this buffer shall be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor.

18. If a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. Potentially significant cultural resources consist of, but are not limited to stone, bone, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites.
19. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the Contra Costa County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
20. Prior to activation of the compressor, the applicant shall provide documentation to the Director of Community Development verifying that the compressor is equipped with sufficient mufflers and surrounded with a noise protection barrier sufficient to mitigate noise levels at the boundary of the project to 60CNEL.
21. That a sound engineer be on site during drilling to determine sound levels and make recommendations to further mitigate sound as necessary in order to meet City noise standards. Such mitigation measures shall be implemented as determined by the Director of Community Development.
22. Properties within 3000 lineal feet of the 2.75 acre drill site that are currently on well water, including properties within the Deer Hill Lane neighborhood, shall be named by endorsement as additional insured on the general liability policy of Sunset Exploration's insurance policy in order to safeguard such well water for the duration of the drilling and operation of the oil/gas well. The applicant shall provide documentation to the satisfaction of the City Attorney verifying that this requirement has been met prior to the commencement of any drilling operations.
23. That the proposed facilities shall be screened from off site view using hay bales and other appropriate screening materials as determined by the Director of Community Development.
24. That any vehicles servicing the site shall be limited to day time hours only.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a meeting thereof held on the 13th day of February, 2008.

AYES:

NOES:

ABSTAIN

ABSENT:

L. JOLENE MARTIN, City Clerk

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ATTACHMENT "A"

**Initial Study/Mitigated Negative Declaration
Sunset Oil and Gas Well
Antioch, Contra Costa County, California**

**City of Antioch
3rd and H Streets
Antioch, CA 94531
925.779.7035**

Contact: Victor Carniglia, Deputy Director

November 1, 2007

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SECTION 1: BACKGROUND

Project Title: Sunset Oil and Gas Well Project

Lead Agency Name and Address: City of Antioch
3rd and H Streets
Antioch, CA 94531

Agency Contact Person and Phone Number: Mr. Victor Carniglia, Deputy Director
925.779-7035

Project Location: APN: 057-021-003
Northwest quadrant of the future intersection of Deer Valley Road and Sand Creek Road
City of Antioch, Contra Costa County

Project Sponsor's Name and Address: Sunset Exploration
10500 Brentwood Blvd
Brentwood, CA 94513
Robert Nunn.

General Plan: Residential

Zoning: "S" Study Zone

Project Description Summary: The proposed project is two-part. First, is an Ordinance Amendment amending the text of the existing "S" Study Zone designation for the Sand Creek Focus Area (FUA#1) to allow oil and gas exploration/extraction to be considered within a portion of the Sand Creek Focus Area as a Temporary Use, subject to the approval of a use permit. The proposed amendment would not be applicable to the entire 2700 acre Sand Creek Focus Area. Specifically, the proposed amendment would allow oil/gas exploration/extraction to be considered as a Temporary Use only on the Shea Homes/Dividend Development property, located on the west side of Deer Valley Road.

Secondly, Sunset Exploration is requesting a Use Permit to establish one 400' x 300' (2.75 Acre) drill pad for oil and gas exploration on the 157.48 -Acre Shea Homes/Dividend property. This proposal would be temporary, consistent with the above described amendment, and is proposed within APN 057-021-003. Access to the project would be from Deer Valley Road along an existing ranch road.

SECTION 2: SOURCES

The following documents are the information sources referenced and used for this analysis.

1. City of Antioch General Plan. City of Antioch. Dated November 24, 2003.
2. City of Antioch General Plan Update Environmental Impact Report . City of Antioch. Dated July 2003
3. City of Antioch Municipal Code. City of Antioch.
4. Well Location, Engineer Estimate of Pad Earthwork, Site Grading Plan, Pad Cross-Section View, and Site Photos, Laugenour and Meikle August 2007.
5. Urban Water Management Plan. Contra Costa Water District. 2005.
6. Results of Environmental Noise Study of Apple Hill Oil Rig Drilling Operation, Paoletti Associates, Inc., March 1998
7. Bixley Road Oil Drilling, Shen Milsom & Wilke, December 2004

SECTION 3: ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

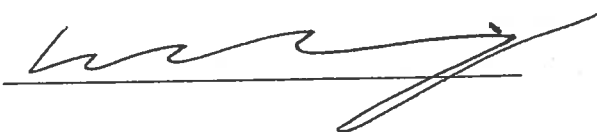
Environmental Factors Potentially Affected			
<input type="checkbox"/> Aesthetics, Light, and Glare	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality	
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology, Soils, and Seismicity	
<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Land Use	
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population and Housing	
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	
<input type="checkbox"/> Utilities and Services Systems	<input type="checkbox"/> Mandatory Findings of Significance		

SECTION 4: ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signed



Date November 1, 2007

SECTION 5: BACKGROUND AND INTRODUCTION

This Initial Study (IS) provides an environmental analysis pursuant to the California Environmental Quality Act (CEQA) for both the proposed Ordinance Amendment, and analysis for the Sunset Oil and Gas Well Project. The applicant submitted an application to the City of Antioch to develop the project site in accordance with the ordinance and uses described here. The IS contains analysis of the potential environmental effects of the proposed project.

This IS relies on information provided in technical studies prepared for similar installations, as listed in Section 2, Sources, as well as information contained in the City of Antioch General Plan and the Antioch Municipal Code.

SECTION 6: PROJECT DESCRIPTION

6.1 - Project Location and Surrounding Land Uses

The Sand Creek Focus Area, with the "S" Study Zone designation encompasses approximately 2,712 acres in the south portion of the City of Antioch in eastern Contra Costa County. The portion of the Focus Area where temporary oil and gas exploration/extraction is being considered to be allowed with a use permit, is the 157.48 acre Shea/Dividend property. The property is square-shaped and occupies the northwest quadrant of the intersection of Deer Valley Road and future Sand Creek Road, as shown in Exhibit 1.

The project site is developed with one ranch home with associated ranch fencing and contains ruderal, non-native vegetation. The site gently slopes from south to north. Sand Creek runs south of the project site. Photographs of the project site are provided in Exhibit 2.

Surrounding land uses include a single-family residential neighborhood (north); a Kaiser Hospital (east of Deer Valley Road); and undeveloped land (south and west). All areas immediately contiguous to the proposed site are presently being used for agriculture. The proposed drilling and production sites are situated at least 300' from any structures, and more than 1,500 feet from existing residences and Deer Valley Road.

6.2 - Project Components

The proposed project consists of the ordinance amendment and development of one temporary 400' x 300' (2.75-Acre) drill pad for oil and gas exploration (Exhibit 3). The area has historically had oil and gas drilling and production on and off for several decades. The drillpad and exploration activities are temporary in nature, and would be removed when surrounding development occurs.

An exploratory well on this site will take from 7-10 days to drill, with up to 5 temporary employees onsite. Drilling operations will be conducted by a portable rotary-drilling rig, which will be removed from the site(s) when drilling operations have been completed. If drilling results in the discovery of commercial quantities of oil and or natural gas, a smaller portable rig will be brought to the site for approximately 5 days. If drilling proves successful, four items will be installed onsite to create the drillpad: a wellhead measuring not more than 5 feet tall, a storage tank not measuring more than 10 feet tall, a compressor measuring not more than 3 feet tall, and an underground gaspipe connection to the existing gas transmission line in Deer Valley Road. A typical well installation is shown on Exhibit 4. If commercial quantities of natural gas are discovered, a gasline would be installed adjacent to the existing ranch entry road on private property, approximately 1-2 feet deep. A single piece of equipment will trench as it installs the pipe. The actual connection to the existing Calpine or DeVeneko line is located to the west of the newly realigned intersection of Deer Valley Road and Sand Creek Road. No traffic disruption will occur when making this connection.

If drilling proves unsuccessful, or when applicant ceases its producing operations and plugs and abandons the well(s), all equipment will be removed and the site(s) will be restored to as near its original condition as is practical. All drilling, producing, well servicing and abandoning operations will be confined to the site and will be conducted in compliance with the conditions imposed by the City of Antioch and the rules and regulations of the State of California Division of Oil and Gas (SCDOG).

Adequate off-street parking would be provided onsite the 2.75 acre drillsite. Access to the project would be from Deer Valley Road along the existing ranch road. During the 7-10 day exploration period, there will be up to 5 persons onsite. Truck traffic would be limited to the drill-rig arriving onsite, a few truck deliveries of equipment, and the worker's cars. If the drillpad is established, one employee would visit the site once a day, and a truck would service the tank as needed.

A six-foot high fence with landscaping would surround the wellhead facilities, and provide a visual barrier for the residential uses to the north, and the public traffic to the east. The City of Antioch will review and approve the final landscaping plan.

With the corresponding amendment to the "S" Study Zone, the proposed project is consistent with the temporary uses allowed by the City of Antioch's Zoning Ordinance. The drillpad and exploration would require the approval and issuance of a Conditional Use Permit.

6.3 - Discretionary Actions

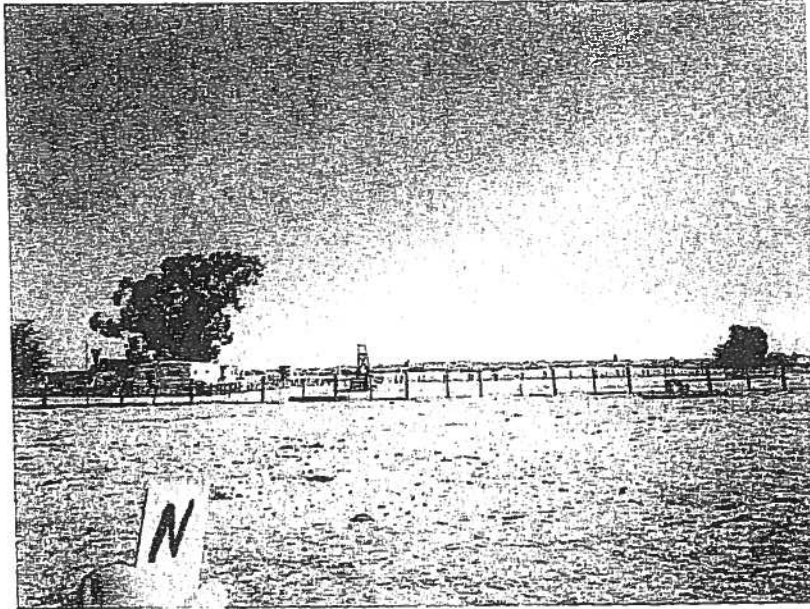
Implementation of the proposed project would require the following discretionary actions by the Antioch Planning Commission:

- Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan.
- Recommendation of Approval of the “S” Study Zone Ordinance Amendment.
- Recommendation of Approval of the Conditional Use Permit for the Sunset Oil and Gas Well Project.
- Approval of project site plan and landscaping.

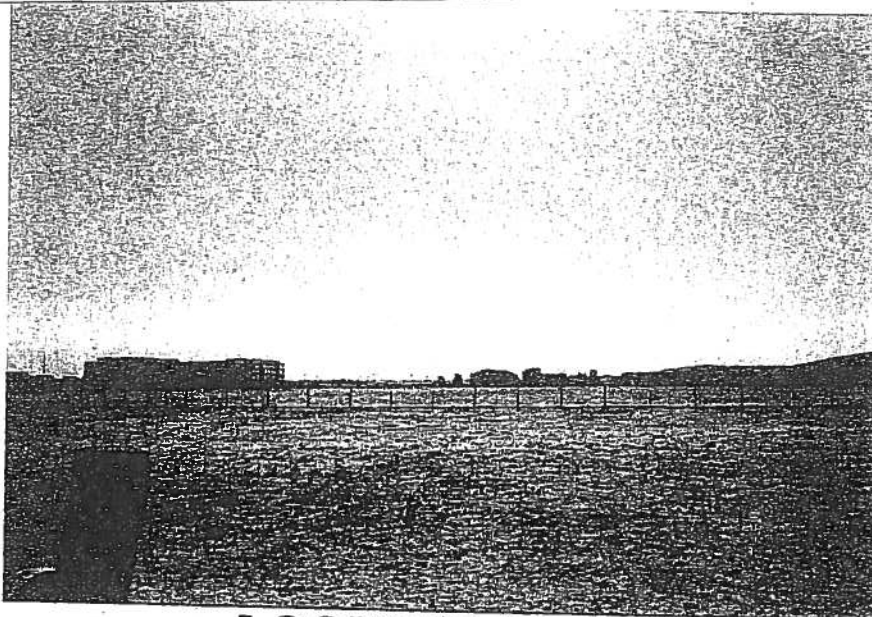
Implementation of the proposed project would require the following discretionary actions by the Antioch City Council:

- Approval and Adoption of the “S” Study Zone Ordinance Amendment.
- Approval of the Conditional Use Permit for the Sunset Oil and Gas Well Project.

Exhibit 2: Site Photographs



LOOKING NORTH



LOOKING EAST

Exhibit 3: Site Grading Plan

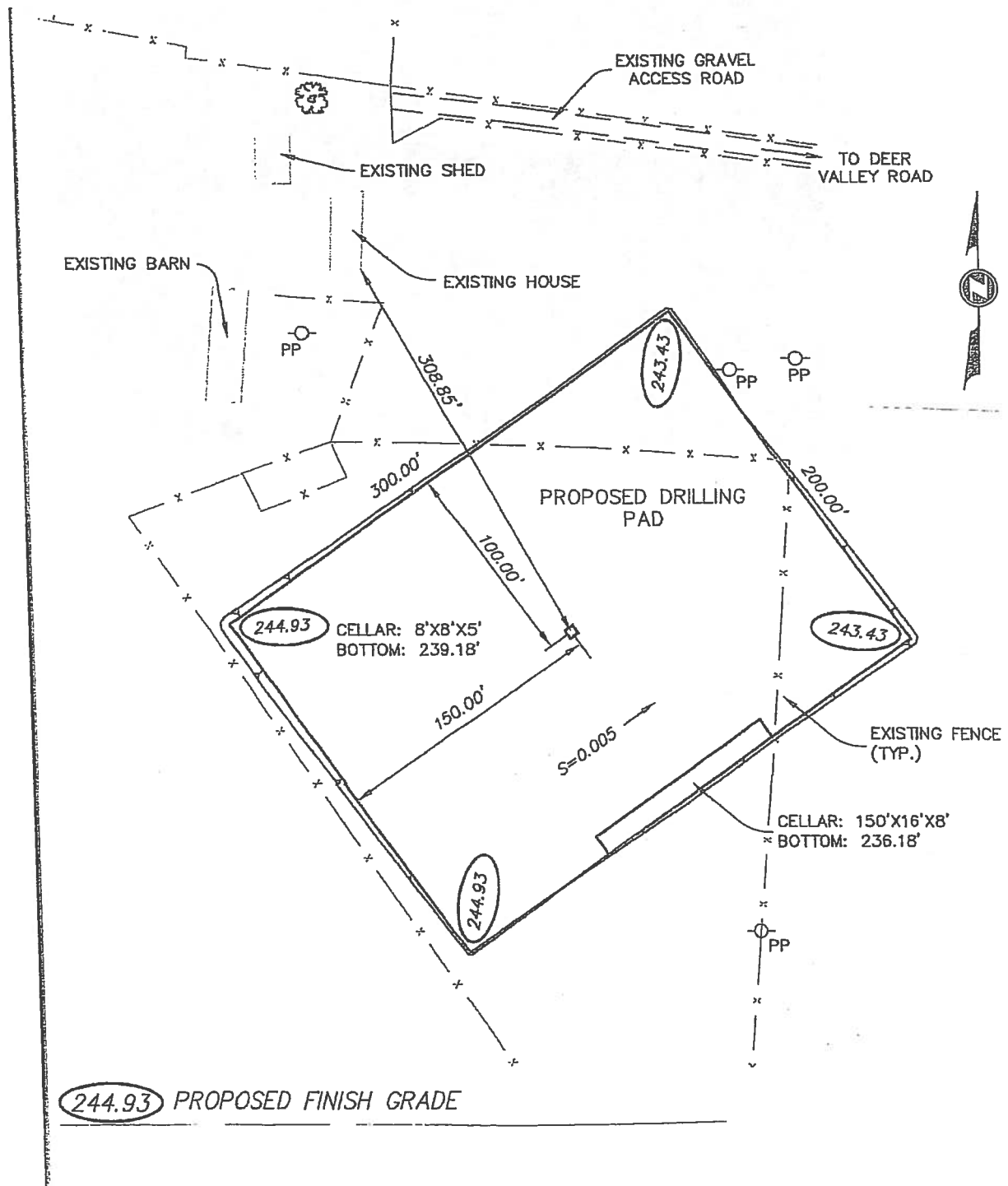
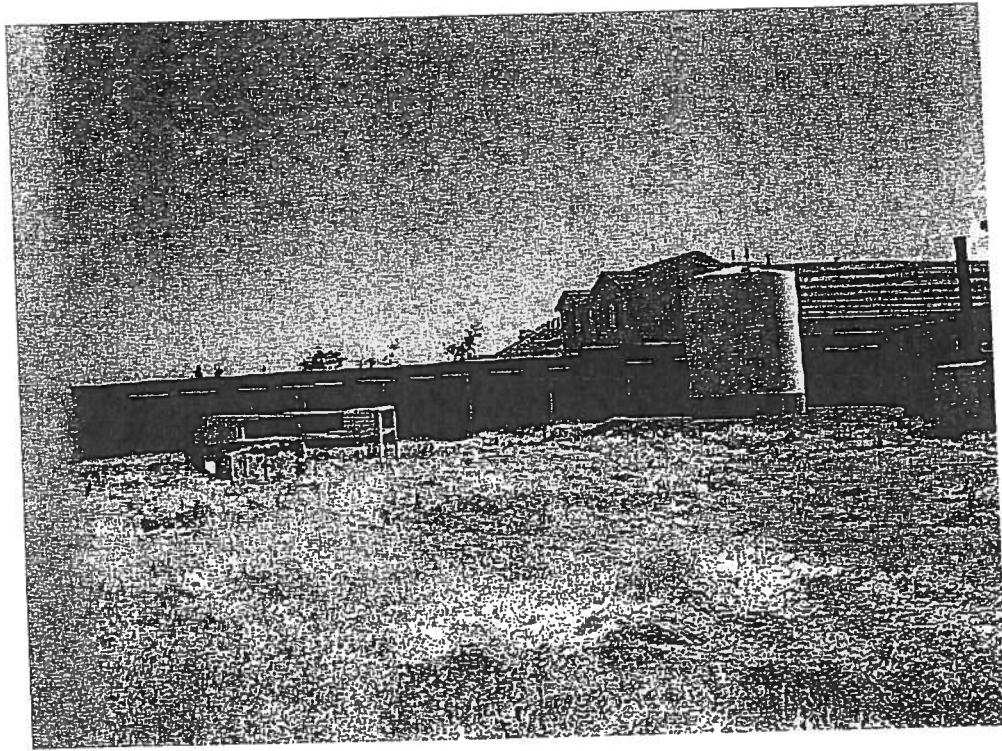


Exhibit 4: Typical Well Installation



SECTION 7: ENVIRONMENTAL CHECKLIST AND DISCUSSION

The following checklist contains the CEQA Guidelines Appendix G environmental checklist form. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended as appropriate as part of the proposed project.

For this checklist, the following designations are used:

- **Potentially Significant Impact.** An impact that could be significant, and for which no mitigation has been identified.
- **Less Than Significant Impact With Mitigation.** An impact that requires mitigation to reduce the impact to a less-than-significant level.
- **Less Than Significant Impact.** Any impact that would not be considered significant under CEQA relative to the existing standards.
- **No Impact.** The project would not have any impact.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Aesthetics, Light, and Glare <i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a) **Less Than Significant Impact.** The City of Antioch General Plan does not identify scenic resources on the site. But, Deer Valley Road is a primary arterial that provides access to the adjacent cities and rural Contra Costa County in the south, and affords views of Mount Diablo. The height of the extraction well structures of the proposed project would comply with the height restrictions established in the Zoning Ordinance and, therefore, would not significantly impede views of Mount Diablo from surrounding land uses. Impacts on scenic vistas would be less than significant.

b) No Impact. The nearest State scenic highway to the project site is Interstate 580 in Alameda County, located approximately 15 miles to the south. This distance precludes the possibility of impacts on a State scenic highway. No impacts would occur.

c) Less Than Significant Impact. Development of the proposed project would not substantially alter the appearance of the project site. Conversion of the approximate 3-Acre site to an oil and gas exploration drillsite would be consistent with the Sand Creek Focus Area General Plan land use designation with the amendments to the “S” Study Zone proposed. In addition, the project site is located adjacent to existing farm uses, and the low profile operation could easily blend in with fencing and landscaping. Therefore, the proposed project is consistent with the type and intensity of existing and contemplated land uses in the surrounding area. Impacts would be less than significant.

d) Less Than Significant Impact With Mitigation. The project site is developed with a single farm home and animal enclosures, which contain minor sources of light and glare. The development of a drillsite would result in the introduction of an additional new source of light and glare that may adversely affect nighttime views. In the short term, the portable rotary-drilling rig operation will be lighted by fixtures mounted on the rig itself. These fixtures point down to the ground. For the longer term, a standard nighttime security light will be mounted on the fence enclosure at about 6-feet high, and will be directed to shine inward, and toward the ground. Mitigation is proposed that requires these measures to ensure that light and glare does not spill over onto adjacent properties, and it is directed towards the ground. The implementation of this mitigation measure would reduce potential impacts to a level of less than significant.

MM AES-1 Prior to issuance of building permits, the City shall confirm the location of all exterior light fixtures and verify that all project light fixtures are directed towards the ground, and do not illuminate or spill over onto adjacent properties.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
2. Agriculture Resources <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.</i> <i>Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a) **No Impact.** The project site is not considered an Important Farmland designation.. No impacts would occur.

b) **No Impact.** The proposed project has a minimal footprint (less than 3 acres) and is considered consistent with the agricultural uses onsite. No impacts would occur.

c) **Less Than Significant Impact.** The introduction of oil and gas exploration to the Shea/Dividend site may interest adjacent landowners, if the exploration is successful. On the other hand, there is no way to predict the success of these activities, and it could as easily be unsuccessful. The City of Antioch has designated the area as a “S” Study Zone because the uses will be defined over time. While the development of the proposed project may create economic pressures for further development of the surrounding area, this conversion is contemplated by the General Plan and, therefore, would not be considered a significant impact of the proposed project. Impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
3. Air Quality <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.</i> <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) **No Impact.** The project site is within the San Francisco Bay Air Basin (Air Basin) and within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD in cooperation with the Metropolitan Transportation Commission and the Association of Bay Area Governments has prepared the 2005 Bay Area Ozone Strategy and the 2000 Clean Air Plan (air quality plans) for the Air Basin, which sets forth a comprehensive program that will lead the Air Basin into compliance with all federal and State air quality standards.

The 1999 BAAQMD CEQA Guidelines indicate that determining local plan consistency thresholds of significance for plan impacts is based on three criteria: (1) consistency with clean air plan population and vehicle miles traveled assumptions; (2) consistency with clean air plan transportation control measures; and (3) local plan impacts associated with odors and toxics. Project consistency with these three criteria is discussed below.

Project consistency with population and vehicle miles traveled assumptions would be achieved by assessing if the population for the jurisdiction would not exceed the values included in the clean air plan. In addition, the rates of increase in vehicle miles traveled for the jurisdiction should be equal to or lower than the rate of increase in population. The proposed project would result in an insignificant (less than 10) daily trip rate. The project is consistent with the underlying City of Antioch General Plan land use designation for the project site, which is consistent with the land use information for the current air quality plans. In addition, insignificant emissions from the proposed project would not exceed BAAQMD significance thresholds (refer to Item 3b, below). For these reasons, it is appropriate to conclude that the proposed project would comply with the air quality plans for the Air Basin according to this criterion. The proposed project would comply with all applicable rules and regulations. In addition, the proposed project would not be a generator of substantial odors or toxics (refer to Item 3e, below).

In summary, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant.

b) **Less Than Significant Impact With Mitigation.** Air pollutant emissions from the project would occur during construction activities and during operation of the proposed project.

Construction Emissions

Construction emissions include exhaust emissions generated by heavy equipment and fugitive dust from grading activities. BAAQMD's approach to construction emissions emphasizes implementation

of effective and comprehensive control measures listed in Table 2 of the BAAQMD CEQA Guidelines. If a project implements these control measures, then it is assumed that construction emissions are less than significant. Therefore, with implementation of standard construction emissions control measures, impacts would be less than significant.

MM AQ-1

Prior to construction of the proposed improvements, the City of Antioch shall require the application of standard best management practices (BMPs) to control dust during construction. As required by the BMP's, Daily log sheets showing the BMPs used and any variances found shall be recorded to insure compliance. BMPs shall include:

- Application of water on disturbed soils and unpaved roads a minimum of two times per day.
- Use of track-out prevention devices at construction site access points.
- Stabilization of construction area exit points.
- Covering of haul-vehicles, if applicable.
- Covering of stockpiled soil or fill.
- Maintenance of all equipment according to manufacturers' guidelines.
- Reduction of speeds of vehicles and equipment on unpaved roads and surfaces to a maximum of 15 miles per hour.
- Cessation of operation of grading equipment when wind speeds meet or exceed 25 miles per hour.
- Cessation of operation of grading equipment on BAAQMD "Spare the Air" days.
- Replanting of disturbed areas as soon as practical, and other measures, as deemed appropriate to the site, to control fugitive dust.

Operational Emissions

Operational activities associated with the proposed project are expected to be minimal, and include emissions associated with project-related vehicle trips (one car /truck a day). In relation to BAAQMD significance thresholds, they only apply to volatile organic compounds (VOC), oxides of nitrogen (NO_x), carbon monoxide (CO), and particulate matter (PM_{10}). There is no threshold for sulfur dioxide (SO_2) because the Air Basin is in attainment for this pollutant. There is also no threshold for $\text{PM}_{2.5}$; however, $\text{PM}_{2.5}$ is a component of PM_{10} and, therefore, is typically accounted for in operational emissions. The proposed project's daily operational emissions are minimal, and would not exceed BAAQMD's thresholds. Therefore, operational emissions would be less than significant.

Carbon Monoxide Hotspots

A CO hot spot is a localized concentration of CO that is above the State or national 1-hour or 8- hour ambient air standards. The project is not expected to generate significant amounts of traffic that would add to congestion and idling or slow-moving vehicles. Therefore, CO emissions impacts would be less than significant.

c) No Impact. The BAAQMD Guidelines indicate that any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. As discussed in the previous impact (Item 3b, above), the proposed project would not exceed the BAAQMD significance thresholds during operation. In addition, the proposed project's impact is less than significant on an individual basis during construction after implementation of Mitigation Measure AQ-1.

For any project that does not individually exceed any significance threshold, the determination of a significant cumulative impact should be based on an evaluation of the consistency of the project with the local general plan and of the general plan with the regional air quality plan. The project does not individually have a cumulative impact; therefore, the guidelines contain a flowchart that is used in this analysis to determine cumulative impacts. The project is consistent with the City of Antioch's General Plan, the vehicle miles traveled, and population assumptions. Therefore, the proposed project would not have a significant cumulative impact.

d) No Impact. Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Residential developments, hospitals, schools, and convalescent facilities are examples of sensitive receptors. The nearest sensitive receptors to the project site are the single-family residential uses immediately adjacent to the north and the Kaiser Hospital to the east.

As discussed above (Item 3b), construction activities would employ standard dust control mitigation measures that would reduce potential impacts to a level of less than significant. Construction equipment would emit diesel particulate matter (DPM), which is a carcinogen. However, for DPM emissions to create a cancer-risk, exposure must be sustained over a long period. Because construction DPM emissions would be limited to 10 days, the nearby sensitive receptors would not be at risk of significant exposure. In addition, most DPM emissions would be expected to be dispersed by the wind prior to reaching the sensitive receptors.

During operation of the proposed project, there would be an insignificant amount of DPM emitted by the single employee checking on the installation, and the occasional truck servicing the project site.

Therefore, with mitigation, project emissions during construction and operation would not expose sensitive receptors to substantial pollutant concentrations.

e) **No Impact.** No objectionable odors are anticipated to be generated by the project. The facilities are contained, and attended to daily as per the requirements of the State Permit. Impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
4. Biological Resources <i>Would the project:</i>				
a) Have 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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) **Less than Significant Impact.** The project site contains suitable nesting habitat for ground-dwelling avian species that are protected by the Migratory Bird Treaty Act and California Fish and Game Codes. The development of the proposed project would result in the removal of the nesting habitat and, therefore, could potentially result in significant adverse impacts to any birds nesting. Standard nesting bird construction mitigation is incorporated into the project that would reduce

potentially significant impacts to a level of less than significant. This mitigation would only apply to vegetation removal activities that occur between February 1 and August 31; tree or shrub removal that occurs outside of this time would not require mitigation.

MM BIO-1

If suitable avian nesting habitat is intended to be removed during the nesting season, from February 1 through August 31, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If passerine birds are found to be nesting, or there is evidence of nesting behavior within 250 feet of the impact area, a 250-foot buffer shall be required around the nests. No vegetation removal or ground disturbance shall occur within the 250-foot buffer. For raptor species—birds of prey such as hawks and owls—this buffer shall be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area. Construction activity may encroach into the buffer area at the discretion of the biological monitor.

b) No Impact. The project site contains non-native disturbed habitat. This habitat is not considered a sensitive natural community. In addition, the project site does not contain any riparian habitat. Therefore, the development of the proposed project would not result in impacts on riparian habitat or sensitive natural communities. No impacts would occur.

c) No Impact. The project site does not contain any wetlands or other jurisdictional features that are protected by Section 404 of the Clean Water Act. Therefore, the development of the proposed project would not adversely affect federally protected wetlands. No impacts would occur.

d) Less Than Significant Impact. The project site is immediately adjacent to an existing ranch and will use existing ranch roads, which are used daily. Urban development exists to the north (residential) and east (Kaiser Hospital). The wildlife movement features (e.g., riparian corridors, arroyos, ridgelines) occurs to the south of the project site, and will remain undisturbed. Therefore, the development of the proposed project would not adversely impact wildlife movement. Impacts would be less than significant.

e) No Impact. The City of Antioch has a Tree Protection and Preservation Ordinance that applies to trees with a circumference of 72 inches or greater. The project site does not contain any trees that would qualify for protection under the ordinance. Therefore, no impacts would occur.

f) No Impact. The project site is located within the boundaries of the City of Antioch, which is not a participating member of the East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP). Instead, the City of Antioch has developed the Sand Creek Resource Management Plan, and Resource Management Plan (RMP) as part of the General Plan. The general direction and approach of this Plan and RMP are consistent with the HCP, and provide measures that aid in protecting the region's biodiversity. The project site falls within the

boundary of the Plan, but due to it's temporary nature, would not be subject to the preservation requirements of the Plan. Therefore the project is consistent with the Plan and no impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
5. Cultural Resources <i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a) Less Than Significant Impact With Mitigation. No historic structures or features are present on the site. Nonetheless, it is possible that ground-disturbing activities during construction may uncover previously unknown, buried historic resources. This is a potentially significant impact. The implementation of standard cultural resource construction mitigation, MM CUL-1, would ensure that this impact is less than significant.

MM CUL-1 If a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. Potentially significant cultural resources consist of, but are not limited to stone, bone, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites.

b) Less Than Significant Impact With Mitigation. No archaeological resources are anticipated to be found on the project site. Nonetheless, it is possible that ground-disturbing activities during construction may uncover previously unknown, buried archaeological resources. This is a potentially significant impact. The implementation of standard cultural resource construction mitigation, MM CUL-1, would ensure that this impact is less than significant.

c) **Less Than Significant Impact With Mitigation.** No paleontological resources are anticipated to be found on the project site. Nonetheless, it is possible that ground-disturbing activities during construction may uncover previously unknown, buried paleontological resources. This is a potentially significant impact. The implementation of standard cultural resource construction mitigation, MM CUL-1, by a qualified paleontologist would ensure that this impact is less than significant.

d) **Less Than Significant Impact With Mitigation.** No burial sites are anticipated to be found on the project site. Nonetheless, it is possible that ground-disturbing activities during construction may uncover previously unknown, burial sites or human remains. This is a potentially significant impact. The implementation of standard human remains construction mitigation, MM CUL-2, would ensure that this impact is less than significant.

MM CUL-2 If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the Contra Costa County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
6. Geology, Soils, and Seismicity <i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) i) **No Impact.** There are no faults within the project site, nor is the project site within an Alquist-Priolo Earthquake Fault Hazard Zone. This condition precludes the possibility of fault rupture occurring on the project site. No impacts would occur.

a) ii) **No Impact.** The proposed project is a temporary oil and gas well for exploration. No permanent persons or structures would exist to be exposed to substantial risks associated with strong ground shaking during a seismic event. No impacts would occur.

a) iii) **No Impact.** The proposed project is a temporary oil and gas well for exploration. No permanent persons or structures would exist to be exposed to liquefaction. No impacts would occur.

a) iv) **No Impact.** The project site contains relatively flat relief with no significant slopes that would be susceptible to landsliding. This condition precludes the possibility of landslides. No impact would occur.

b) **Less Than Significant Impact.** Construction activities associated with the site would include removal of vegetation, excavation, and grading. Because the proposed project would result in ground disturbance of at least a one-acre area, it would be required to obtain coverage under the State of California General Permit for Construction Activities, which is administered locally by the San Francisco Bay Water Quality Control Board. The proposed project is required to prepare a Stormwater Pollution Prevention Plan (SWPPP), which must identify potential sources of erosion that may be reasonably expected to affect the quality of stormwater discharges as well as identify and implement BMPs intended to prevent soil erosion. The preparation and implementation of a SWPPP during construction would ensure that potential erosion impacts are less than significant.

c) **No Impact.** The proposed project is a temporary oil and gas well for exploration. No permanent persons or structures would exist to be exposed to substantial hazards. Note that the project site does not contain any slopes that would be susceptible to landsliding. Impacts would be less than significant.

d) **No Impact.** . The proposed project is a temporary oil and gas well for exploration. No permanent persons or structures would exist to create risks, or be exposed to substantial risks associated with the shrinking and swelling of soils. No impact would occur.

e) **No Impact.** During construction, the proposed temporary project would be adequately served by rental facilities, and no permanent sewer facilities are required. No impact would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
7. Hazards and Hazardous Materials <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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 the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) **Less Than Significant Impact.** The proposed project includes the potential production of natural gas and/or oil. The project is required to be conducted in compliance with the rules and regulations of the State of California Division of Oil and Gas, and conditions imposed by the City of Antioch. Since oil and gas occur naturally, the production facilities would not be expected to create a significant hazard to the public or the environment. Impacts would be less than significant.

b) **Less Than Significant Impact.** As mentioned above, the proposed project would be regulated by the State and local requirements. Compliance with all applicable) would reduce the impact of accidental upset or release of hazardous substances to a level of less than significant.

c) **No Impact.** No schools exist within one quarter mile of the proposed location of the drillpad, and no hazardous emissions are generated by the production of natural gas and oil.. Therefore, no elementary school would be exposed to hazardous air emissions from the proposed project. No impacts would occur.

d) **Less Than Significant Impact.** The project site has been historically used for livestock grazing and ranching activities. The project site is not recorded on any federal, State, or local databases listing contaminated sites, hazardous materials users, underground storage tanks, or other potential sources of contamination. . Therefore, there is no evidence to suggest that past uses of the project site would create a hazard to public health or the environment. Impacts would be less than significant.

e) **No Impact.** The project site is approximately 10 miles away from the nearest airport, the Byron Airport, and is not within the boundaries of the airport's land use compatibility plan. Therefore, the proposed project would not expose persons to safety hazards associated with airport operations. No impacts would occur.

f) **No Impact.** There are no private airstrips in the vicinity of the project site. Therefore, the proposed project would not expose persons to safety hazards associated with private airstrip operations. No impacts would occur.

g) Less Than Significant Impact. The proposed project would not require any roadway changes that would impair or obstruct emergency response in the project area. Impacts would be less than significant.

h) No Impact. The project site is surrounded by urban and agricultural uses and is not adjacent to any wildland areas. Therefore, development of the proposed project would not expose persons or structures to wildland fire hazards. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
8. Hydrology and Water Quality <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) **Less than Significant Impact.** The proposed project will not produce wastewater effluent, and all operational effluent would be contained and trucked offsite. Since measures to contain the effluent are required by the State Permit, no discharge into any water body is anticipated. Impacts would be less than significant.

b) **Less Than Significant Impact.** No wells exist on the project site and none would be drilled as part of the proposed project. The proposed project would be served with water trucked onto the site. Therefore, the development of the proposed project would not deplete groundwater sources or interfere with groundwater recharge. Impacts would be less than significant.

c) **Less Than Significant Impact.** Development of the proposed project would involve ground-disturbing activities on 2.75 acres of a 157.48 acre property. The preparation and implementation of the project SWPPP would ensure that potential adverse erosion, siltation, and contamination impacts would not occur during short-term construction activities. Impacts would be less than significant.

d) **Less Than Significant Impact.** The project site is currently a working ranch and residence. Implementation of the proposed project would not increase impervious surfaces on the project site significantly, and would not result in a substantial increase of stormwater runoff from the project site. The project grading design would capture the minimal runoff and ensure offsite releases to no more than the pre-development condition of the site in accordance with Contra Costa County Flood Control and Water Conservation District standards. This would reduce the amount of offsite surface runoff from the site from the existing pre-developed condition and, therefore, reduce the potential for downstream flooding. Impacts would be less than significant.

e) **Less Than Significant Impact.** The project grading design would control runoff from exiting the project site. The incorporation of these features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. Impacts would be less than significant.

f) **Less Than Significant Impact.** Along with the project grading design, the project itself is the production of naturally occurring resources that are not considered pollution. The existence of these

features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. Impacts would be less than significant.

g) No Impact. Figure 4.7.3 of the City of Antioch General Plan Update EIR indicates that the project site is not within a 100-year floodplain. The project also does not propose to construct housing. These conditions precludes the possibility of the proposed project placing housing within a 100-year flood hazard area. No impacts would occur.

h) No Impact. Figure 4.7.3 of the City of Antioch General Plan Update EIR indicates that the project site is not within a 100-year floodplain. This condition precludes the possibility of the proposed projects structures impeding or redirecting flood flows in a 100-year flood hazard area. No impacts would occur.

i) No Impact. The project site is not in a dam failure inundation area. This condition precludes the possibility of the proposed project exposing persons or structures to flooding as a result of dam or levee failure. No impacts would occur.

j) No Impact. The project site is not near any water bodies where a seiche or tsunami could occur. The project site does not include the introduction of persons or structures, and is in an existing ranching area and is not near any hillsides susceptible to mudflows. Therefore, development of the proposed project would not expose persons or structures to seiche, tsunami, or mudflow hazards. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
9. Land Use <i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a) No Impact. The project site is developed as a ranch. The development of the proposed project would be contained within the project site, and would not divide the surrounding area. No impacts would occur.

b) Less Than Significant Impact. The project site is designated Residential by the City of Antioch General Plan and “S” Study Zone by the Antioch Zoning Ordinance. The uses of the proposed project are consistent with both designations, with the amendment language also being proposed with the project. The exploration and production would be required to obtain a Conditional Use Permit. The approval of the Conditional Use Permit would ensure that the proposed project would not conflict with any adopted land use plan or zoning ordinance policies. Impacts would be less than significant.

c) Less Than Significant Impact With Mitigation. The project site is located within the boundaries of the City of Antioch, which is not a participating member of the East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP). Instead, the City of Antioch has developed the Sand Creek Resource Management Plan, and Resource Management Plan (RMP) as part of the General Plan. The general direction and approach of this Plan and RMP are consistent with the HCP, and provide measures that aid in protecting the region’s biodiversity. The project site falls within the boundary of the Plan, but due to it’s temporary nature, would not be subject to the preservation requirements of the Plan. Therefore the project is consistent with the Plan and no impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
10. Mineral Resources <i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) No Impact. Instead of losing the availability, the development of the proposed project would result in the availability of a known mineral resource that would be of value to the region and the State. No impacts would occur.

b) No Impact. The City of Antioch General Plan does not identify any locally important mineral resources. Therefore, the development of the proposed project would not result in the loss of a locally important mineral resource. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
11. Noise <i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) 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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) Less Than Significant Impact with Mitigation. The primary existing noise source generated around the project site is related to traffic on Deer Valley Road. Future long-term noise generated by the project would be related to the use of a compressor onsite. Vehicular trips generated by the proposed project are very few, and would result in a very small increase in roadway noise levels, much below the established threshold of a 3-dBA increase for a significant impact.

The Conditional Use Permit requires that the maximum noise generated by the gas/oil well, with mitigation, may not exceed 60 CNEL at the boundary of the facility. The only noise receptor within 1400 feet are persons driving on Deer Valley Road. The nearest residences, besides the ranch, are 1900 feet to the north. Since the facility does not exist to date, a local study similar to the proposed project document the expected noise from the short-term noise sources (construction related drilling). A study by SM&W in 2004 documents the short-term construction noise at a previously drilled site south of the proposed site (See attached letter report). At 1000-feet from the operating drillrig, the average sound level was 43.3dBA, with the drilling activities alone varying from 40-45 dBA . At 1500 feet the noise was comparable, but primarily due to traffic noise. Some sporadic banging and

engine revving from the site measured to 44 dBA. It further documents the roadway noise at the intersection of Deer Valley Road at Deer Hill Lane at 72.6dBA. A second monitoring study completed by Paoletti Associates documents a similar drilling operation which was also found to be in compliance with the local ordinances. (See attached letter report). Therefore, the proposed project would not expose surrounding land uses to excessive noise levels in the short term.

In the long-term if it is determined that the gas well needs to be compressed in order for the gas to maintain a high enough pressure to flow into the sales pipeline, the equipment most likely to be required is a natural gas engine driven compressor, and potentially a glycol dehydration unit. The size of both is determined by the amount of gas produced daily at the specific well. . The compressor noise level is determined by it's size. An average size compressor will run between 50 to 100 horsepower. The noise decibel readings are below 60 db at the receptor site, approximately 1500 feet away. A dehydration unit does not produce any noise.

When a compressor is placed near receptors and noise is a concern, there are mitigations that can be included in the set up to abate the noise. The compressor noise can be further minimized by replacing the standard muffler with a "hospital quiet" one, or by adding an additional muffler, and if necessary, burying the second muffler in the ground. More commonly, remaining noise is abated by directionally positioning the compressor away from the nearest receptor, and constructing a wall or positioning hay bales around the equipment. The implementation of standard noise mitigation, MM NOI-1, would ensure that this impact is less than significant.

MM NOI-1 Prior to activation of the compressor, the City of Antioch will verify that the compressor is equipped with sufficient mufflers and surrounded with a noise protection barrier sufficient to mitigate noise levels at the boundary of the project to 60dBL.

b) Less Than Significant Impact. Groundborne vibration is primarily of concern as it relates to construction activities. Heavy construction equipment would be used onsite and may cause noticeable vibration at the ranch house located immediately to the north of the project site. The Transportation- and Construction-Induced Vibration Guidance Manual published by the California Department of Transportation establishes a vibration exposure threshold of 0.5 peak particle velocity (PPV) for newer residential structures. Using a worst-case scenario of a vibratory roller operating within 50 feet of a residence, the maximum vibration that would be experienced at the residence would be 0.11 PPV, which is below the 0.5 PPV threshold. Operational vibration from truck deliveries would be expected to be no more than 0.003 PPV at a distance of 50 feet from the nearest residence, which would also be below the 0.5 PPV threshold. Therefore, construction and operational vibration impacts would be less than significant.

c) Less Than Significant Impact. Neither vehicular noise nor the properly mitigated generator associated with the proposed project would noticeably increase ambient noise levels in the project vicinity. Therefore, impacts from project-related vehicular noise would be less than significant.

d) Less Than Significant Impact With Mitigation. Construction activities associated with the proposed project would occur at least 1900 feet from the existing neighborhood to the north, and within 100 feet from the ranch house. The initial 7-10 days of construction (during exploration) will run 24-hours a day. Although the 1900-foot distance precludes the possibility of exceeding City standards, the temporary increase ambient noise would occur. This is a potentially significant impact. Mitigation is proposed that would require standard construction noise control measures to be implemented. Because construction activities are exempted from complying with residential noise exposure standards, this mitigation measure is sufficient to reduce potentially significant impacts to a level of less than significant.

MM NOI-2 All construction activities shall adhere to the following requirements:

- All construction equipment shall use properly operating mufflers.
- Combustion equipment such as pumps or generators operating within 500 feet of any occupied residence shall be surrounded with a noise protection barrier.

e) No Impact. The project site is approximately 10 miles away from the nearest airport, the Byron Airport, and is not within the boundaries of the airport's land use compatibility plan. Therefore, the proposed project would not expose persons residing or working in the project area to excessive levels of aviation noise. No impact would occur.

f) No Impact. There are no private airstrips in the vicinity of the project site. Therefore, the proposed project would not expose persons residing or working in the project area to excessive levels of aviation noise. No impact would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
12. Population and Housing <i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) Less Than Significant Impact. The proposed project does not contain any residential uses and, therefore, would not directly cause population growth. Jobs created by the proposed project would be few and temporary, and would not lead to indirect population growth. This is a less than significant impact.

b) No Impact. The project site is adjacent to one ranch home that will remain. Therefore, no housing would be displaced by the proposed project. No impacts would occur.

c) No Impact. The project site is adjacent to one ranch home that will remain. No persons would be displaced by the proposed project. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
13. Public Services <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) Less Than Significant Impact. When installed, the proposed project consists of a wellhead, a storage tank, and a generator. Pursuant to the State Permit, water for fire is included onsite during drilling and exploration activities. Its fire protection and emergency medical service needs would not represent a substantial burden on the East Contra Costa Fire Protection District that would require new or expanded fire protection facilities. Impacts would be less than significant.

b) Less Than Significant Impact. Any unmanned facility needs to protect itself against vandalism. To that end, the proposed project would be surrounded by a fence providing site security. Its police protection needs would not represent a substantial burden on the Antioch Police Department that would require new or expanded police facilities. Impacts would be less than significant.

c) No Impact. The proposed project does not contain any residential uses and, therefore, would not directly add to student enrollment in the Antioch School Districts. Jobs created by the proposed project would primarily be part-time temporary positions that are readily be filled from the local

workforce and, therefore, the proposed project would not lead to indirect population growth that would increase school enrollment. No impacts would occur.

d) No Impact. The proposed project would not directly or indirectly facilitate population growth and, therefore, would not increase demand for park facilities. No impacts would occur.

e) No Impact. The proposed project would not directly or indirectly facilitate population growth and, therefore, would not increase demand for public facilities such as libraries. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
14. Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) No Impact. The proposed project would not directly or indirectly facilitate population growth and, therefore, would not increase demand for neighborhood or regional parks or other recreational facilities. No impacts would occur.

b) No Impact. The proposed project would not include recreational facilities or require the construction or expansion of any recreational facilities. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
15. Transportation <i>Would the project:</i>				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) **Less Than Significant Impact.** The proposed project would generate less than 10 daily vehicle trips, which would not be considered causing an increase in traffic substantial in relation to the existing traffic load and capacity of the street system, or the long term situation.

b) **Less Than Significant Impact.** The project does not generate a significant amount of traffic, and therefore would not result in unacceptable LOS on a congestion management plan roadway. Impacts would be less than significant.

c) **No Impact.** The nearest airport to the project site is the Byron Airport, located 10 miles to the southeast. This distance precludes the possibility of the proposed project altering aviation patterns or creating aviation hazards. No impacts would occur.

d) **No Impact.** The project's traffic will use the existing ranch road that is already used by trucks and heavy farm equipment. It also does not propose to construct any new intersections or sharp curves that would be incompatible or dangerous. No impacts would occur.

e) **No Impact.** The proposed project would maintain the existing egress to the project site. As noted above, the proposed project does not include any features that would create roadway safety hazards for emergency vehicles. Therefore, adequate emergency access would be provided to the project site. No impacts would occur.

f) **No Impact.** Parking for 5-10 employees for a 7-10 day period of time will be adequately provided on the 2.75-acre drillpad site. No impacts would occur.

g) No Impact. The proposed project is temporary and located 1400 feet west of the public right-of-way. It does not generate traffic impacts necessitating roadway improvements, nor does it physically conflict with the existing facilities for bicycles and buses. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
16. Utilities and Service Systems <i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) No Impact. The proposed project would be served by portable sanitary facilities and would not directly discharge effluent into any water bodies. No impact would occur.

b) No Impact. The proposed project would be served by water tanked in, and would not result in the need to construct new water or wastewater treatment facilities or expansion of existing facilities. No impact would occur.

c) Less Than Significant Impact. The project site is currently undeveloped. Implementation of the proposed project would not substantially increase impervious surfaces on the project site or increase

runoff from the project site. In addition, the project grading is designed to collect runoff within the drillpad. Impacts would be less than significant.

d) No Impact. The project does not require potable water service. Any water necessary for construction or employees personal use will be brought onsite. No impact would occur.

e) No Impact. The project does not require wastewater treatment service. Portable facilities will be utilized by employees, and any waste generated by the actual exploration is required by the State Permit to be trucked offsite and disposed at a qualified facility. No impact would occur.

f) No Impact. The project does not generate solid waste. This condition precludes the possibility of the project having a significant impact on landfill capacity. No impacts would occur.

g) No Impact. The State Permit for Oil and Gas Exploration activities requires the waste generated by the project to be trucked off and disposed of at a qualified facility. The project intends to comply with the State Permit, and therefore, no impact would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
17. Mandatory Findings of Significance				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a) Less Than Significant Impact. The project site contains vegetation that could be used by nesting birds. Mitigation is proposed that would require standard avian nesting surveys to be conducted if the trees are to be removed during the nesting season. This would ensure that impacts on wildlife are less

than significant. The site does not contain any known cultural resources. However, subsurface earthwork activities may expose previously undiscovered buried resources. Standard construction cultural resources mitigation is incorporated into the project. This would ensure that impacts on cultural resources are less than significant.

b) Less Than Significant Impact. All cumulative impacts related to air quality, noise, and traffic are either less than significant after mitigation or less than significant and do not require mitigation. Therefore, the proposed project would not result in a cumulatively considerable impact on these areas. Impacts are less than significant.

c) Less Than Significant Impact. All impacts identified in this IS-MND are either less than significant after mitigation or less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts are less than significant.

ATTACHMENT "B"

CITY OF ANTIOCH PLANNING COMMISSION MEETING

Regular Meeting
7:30 p.m.

August 16, 2006
City Council Chambers

Vice Chairman Travers called the meeting to order at 7:34 p.m. on Wednesday, August 16, 2006 in the City Council Chambers.

ROLL CALL

Present: Commissioners Henry (arrived at 7:50 p.m.), Martin, Brandt, Azevedo and Vice Chairman Travers
Absent: Commissioner Delgadillo and Chairperson Long
Staff: Deputy Director of Community Development Carniglia
City Attorney Nerland
Minutes Clerk Lawson

Vice Chairman Travers stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Wednesday, August 23, 2006.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

Vice Chairman Travers moved the Consent Calendar to be heard after Item No. 3.

NEW PUBLIC HEARING

3. Consideration of an amendment to the existing zoning for the Sand Creek Focus Area to allow oil and gas exploration on the approximately 130 acre Leung property and the 45 acre Antioch Unified School District property subject to the approval of a Use Permit and a Mitigated Negative Declaration. The properties are located on the west side of Deer Valley Road just south of Sand Creek (057-041-015 and 057-041-001).

Deputy Director of Community Development (DDCD) Carniglia provided an overview of the Staff Report dated August 10, 2006. He distributed a handout entitled "Potential Impacts and Possible Mitigations" and provided a brief synopsis of the handout. He also noted that due to the Applicant having agreed

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to a temporary use permit, staff would prepare an ordinance for City Council consideration structured in such a way that the oil well be terminated prior to any development occurring on this property.

Commissioner Henry arrived at 7:50 p.m.

Opened Public Hearing

Bob Nunn, representing Sunset Exploration, stated that he was not aware of any moratorium within the Northern California area, and to his knowledge Antioch only had a moratorium in this area and it was not a citywide moratorium. He requested that he be granted a Conditional Use Permit to provide the ability to come before the City and request that Sunset Exploration be allowed to follow a specific process. He also felt that mitigations could be issued on this property to make it workable and agreed to be liable for any clean up work that needs to be done after the completion of the drilling. Mr. Nunn noted that his company has had an active natural gas well within the FUA2 area for 17 years with no complaints, as confirmed by Staff. In regards to the Antioch Unified School District (AUSD), Mr. Nunn felt that this could be structured as an interim use and this could also create potential financial viability for the AUSD. Mr. Nunn presented a conceptual landscaping and a drilling site plan to the Commission for review.

Per the request of Commissioner Henry, Mr. Nunn explained the drilling process, and wanted to ensure that protection was provided to the neighbors, in terms of shielding any glare and ensuring that noise standards are met. He felt that natural gas would be produced at this site and this was a unique opportunity, in that, it would create an opportunity to provide AUSD with a substantial share of the revenue for the site. If this well is located anywhere else, the AUSD would not be the benefactor of the operation, if it is successful. Furthermore, if a Conditional Use Permit is required, the City could require that the well be shut down prior to any development that is required on the property.

DDCD Carniglia stated that oil and gas well drilling is allowed within the industrial zoned areas of Antioch and this particular area, if approved, would be the only residentially designated land from the General Plan standpoint where an oil well would be located.

In response to Commissioner Brandt regarding the City Council's recommendation, DDCD Carniglia stated that the direction from the City Council was to bring a proposed Ordinance back for approval and requested that the Commission provide Staff with direction. Discussions ensued regarding the City Council's recommendation, wherein City Attorney Nerland explained that the City Council introduced an Ordinance and the next step would be for the Planning Commission, under State Law, to make a recommendation to the City Council for approval. Wherein, now Staff is coming before the Planning Commission to

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decide; 1) that the Planning Commission recommend an ordinance be structured, and 2) if the Planning Commission wants to entertain ordinance language, Staff is seeking direction on critical points, wherein the actual language of the ordinance would return to the Planning Commission for recommendation and then to the City Council for final action.

Commissioner Brandt requested that the applicant provide photographs in the near future for the site.

In response to Commissioner Azevedo, Mr. Nunn felt that the benefit to this project, if successful, would be a substantial funding mechanism to the AUSD. Moreover, this use would be an interim use only and that Sunset Exploration was mandated by the State of California to hold comprehensive liability and environmental insurance.

In response to Commissioner Martin, Mr. Nunn spoke to safety and security issues and noted that even though the State of California mandated specific standards, the Planning Commission could mandate higher standards. He noted that a secure fence would be in place and the site would be visited and inspected daily, and added that the wells that are located in Brentwood have never had vandalism issues that have put the site at risk. Mr. Nunn further spoke to the operational aspects of the drilling and production procedures, and operational hours for truck traffic could be conditioned by the City. He stated that his intention was to only stay on the AUSD site per the geophysical survey that was conducted, and it showed he could reach all potential opportunities from this site. Mr. Nunn further spoke to the conceptual site plan handout that depicted former oil and gas wells within the FUA-1 area, as well as current wells within the City of Brentwood.

Public Comment

Tanya Bartlett, resident, stated that she was opposed to this oil and gas well drilling process and expressed concern to the upcoming winter season, due to a video that she would provide to City Staff that depicted last year's winter conditions and the water run off problems that occurred. She stated that the conditions of the oil well in 2005 were under two feet of water and that water ran towards her residence and contaminated her water well. Ms. Bartlett further stated that even though the well could be removed in a matter of days, the contaminated dirt would remain. She further expressed concern to noise issues, the decline of property values in the area and expressed concern to the inadequate clean up procedure that occurred at the time the area was last drilled.

Walt Bartlett, resident, stated his opposition to the drilling and expressed concern to the inadequate clean up procedure that took place to past drilling that occurred in this area. Mr. Bartlett felt that he was not adequately notified of the drilling that has taken place in the past and questioned if this oil well could even be placed

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on this site, per his research. He further expressed concern to the water contamination that would occur with drilling and requested that it be properly mitigated if drilling is approved.

Perry Schuster, resident, requested that the City place him on the mailing list so that he would be aware of this type of situation, due to his water well being within 500 feet of the oil and gas well. He expressed concern to contamination of his water well and noise issues. He asked Mr. Nunn if there would be royalties compensated to the adjacent residents, wherein Vice Chairman Travers stated that per the Staff Report, Mr. Nunn would be required to meet with the adjacent residents to make some type of arrangement for this compensation. He also requested information as to what type of engine noise would be used on the project.

Joe Sable, resident, expressed concern to noise and well contamination issues and asked if any well contamination occurred, would Mr. Nunn appropriately rectify the situation. Mr. Sable felt that it did not make sense to drill near an urban area and asked if this was approved, would this be setting a precedent to create additional drilling. He further expressed concern to safety issues.

Bob Nunn explained the drilling process and noted that the State of California had strict restrictions on drilling wells and that inspections are done on a consistent basis. In regards to noise issues, diesel engines are not used any longer and newer equipment is now used and Sunset Exploration would be mandated by the City to meet specific sound levels. He stated that he could provide at the next meeting a noise study from the previous drill at this site that would address ambient sound levels that were there when no drilling was present and ambient sound levels when drilling was being conducted. Mr. Nunn stated for the record that if the nearby residents do own mineral rights, if Sunset Exploration is successful with this drilling process, they will be included in the production unit for any well in this area. He further noted that there could be additional compensation that Sunset Exploration could come up with to protect the nearby residents during the drilling aspect, and would be willing to discuss this with the nearby residents to create fairness.

In response to Vice Chairman Travers regarding rain water run-off issues, Mr. Nunn stated that due to the location of the well, he was attempting to limit the site angle so it would be a lesser impact, but ground water will be collected and it will be dealt with. A drainage system will need to be constructed, but noted that if this well was not there these issues would still be occurring. Mr. Nunn stated that through the City and through specific conditions, the flooding conditions can be addressed and be mandated that a drainage system be constructed towards the east and into the nearby ditches away from the homes.

Commissioner Martin requested additional information in regards to the State of California's requirements for the abandonment of wells. Mr. Nunn stated that he

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would be required to comply with strict State and EPA guidelines and any documentation could be requested for the Commission's review.

DDCD Carniglia stated that due to Mr. Nunn being amenable to a scenario of creating a temporary use for this site, he could approach this issue with the City Attorney to categorize the operation as a temporary use, wherein detailed specifics as alluded to by Mr. Nunn could be dealt with as a function with the use permit. This would still require an amendment to the zoning ordinance. DDCD Carniglia suggested that the Commission could direct Staff to modify the temporary use ordinance based on discussions tonight and to direct Staff to advise the applicant to explore the submission of a Use Permit for a concurrent hearing on September 20, 2006.

Mr. Nunn concurred and added that per his conversations with the AUSD they would prefer that once the City allows this proposal, the AUSD would be comfortable going before the School Board for final approval. He further added that every well Sunset Exploration has drilled in Northern California under CEQA has fallen under a categorical exemption Class 3, due to the size of the operation. In response to Mr. Nunn, City Attorney Nerland added that she felt further analysis needed to be conducted because it has not been completed to date.

Through discussions, DDCD Carniglia stated that he would bring back to the Commission an amendment to the City's Ordinance dealing with temporary uses with explicit language in relation to oil wells that speak to the oil well being terminated prior to any development occurring on this property, and this will be defined on the said property and any adjacent property. Mr. Nunn could then work with Staff on the Use Permit and the residents on appropriate conditions, and if the City Council approves and acts on this, Mr. Nunn can then officially submit his application and it would come back to the Planning Commission and then City Council for final approval.

Commissioner Martin spoke to incompatible land uses and took comfort that this use would be a temporary use. He stated that he would be diligent that when the use permit comes through he wanted to ensure that his concerns were met regarding the concerns of the nearby homeowners, the effect on the environment, noise, truck traffic, and future residential development. He wanted to ensure that all issues are addressed for future residential development in this area. He suggested to staff to consider placing the Royal Ferosa property to this modification of the City's temporary use ordinance. He stated that he would support Staff's recommendation, and felt that a temporary use was more appropriate than a permanent use and the removal of a moratorium on the entire area would not in the City or State's best interest.

Commissioner Azevedo stated that he believed it was the intent of the City Council was to allow consideration of oil and gas exploration in this area. He

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added that it would still need to be voted on in order to move forward and encouraged all parties to work diligently with Staff to address all concerns.

Commissioner Brandt stated that she felt comfortable with moving forward on a temporary basis, but wanted to ensure that all concerns are met.

On motion by Commissioner Azevedo and seconded by Commissioner Martin, the Planning Commission continued this item to September 20, 2006 and directed Staff to return with a modification to the City's temporary use ordinance.

AYES: Azevedo, Martin, Henry, Brandt and Travers

ABSENT: Delgadillo and Long

CONSENT CALENDAR

1. Approval of Minutes of August 2, 2006.

On motion by Commissioner Martin and seconded by Commissioner Azevedo, the Planning Commission approved the Minutes of August 2, 2006.

AYES: Martin, Azevedo, Henry, Brandt and Travers

ABSENT: Delgadillo and Long

2. UP-06-14, PD-06-02, AR-06-12 Bank of Agriculture and Commerce and Auto Spa

It was recommended that this item be continued indefinitely, per the City Attorney.

On motion by Commissioner Azevedo and seconded by Commissioner Brandt, the Planning Commission continue Consent Calendar Item No. 2 indefinitely.

AYES: Azevedo, Brandt, Henry, Martin and Travers

ABSENT: Delgadillo and Long

Commissioners Brandt and Martin pulled the Minutes of July 19, 2006.

1. Approval of Minutes of July 19, 2006.

Commissioner Martin requested a change on page 6, third paragraph, line 3, to change the wording "religious assembly-type second units to read: "religious assembly-type units".

On motion by Commissioner Martin and seconded by Commissioner Azevedo, the Planning Commission approved the Minutes of July 19, 2006.

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5. **Sunset Exploration requests approval of amendments to the test of the existing "S" Study Zone designation for the Sand Creek Focus Area (FUA#1) to allow oil and gas exploration/extraction to be considered within a portion of the Sand Creek Focus Area as a Temporary Use, subject to the approval of a Use Permit. The project site is located on the Antioch Unified School District (AUSD) property located on the west side of Deer Valley Road.**

DDCD Wehrmeister recommended that this item be continued to November 1, 2006.

Commissioner Martin requested that the City Attorney research the validity and clarification of paragraph 4 on page 3 of the Staff Report, stating that "That any oil/gas well shall cease operation, be completely removed from the site, and any necessary cleanup and site remediation be performed 30 days prior to the issuance of grading permits for any residential development on the subject property and/or on the adjacent Leung property."

Commissioner Azevedo referred to the proposed Amendment of the Staff Report, Requirement No. 7, and directed Staff to further elaborate on the financial security that shall be provided to the City. City Attorney Nerland stated that it might be some type of bonding or letter of credit for the approximate amount of what it would cost to remove the oil and gas well if the business operator failed to do so.

Commissioner Azevedo requested that Mr. Nunn bring a proposal before the Commission regarding his remarks noted in the Planning Commission Minutes dated August 16, 2006, that state that "Mr. Nunn noted that there could be additional compensation that Sunset Exploration could come up with to protect the nearby residents during the drilling aspect, and would be willing to discuss this with the nearby residents to create fairness". DDCD Wehrmeister stated that the applicant would conduct discussions with nearby property owners between now and November 1, so whereas the Commission might not condition this on November 1, the Planning Commission may have an idea as to what the compensation could be.

On motion by Commissioner Azevedo and seconded by Commissioner Brandt, the Planning Commission continued Item No. 5 to November 1, 2006.

AYES: Azevedo, Brandt, Martin, Delgadillo and Long
ABSENT: Henry and Travers

ORAL COMMUNICATIONS

None.

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WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

DDCD Wehrmeister reported that the City Council would be holding a public forum on October 17 regarding the downtown planning process.

Chairperson Long reported that the City Park Renovation Design Day would be held on October 10 at 7:00 p.m. at Beede Auditorium for the unveiling of the design.

Commissioner Martin reported that the next Design Standard Committee would meet on October 16. Commissioner Brandt reported that at the last meeting six proposals were received and of the six proposals, Downtown Solutions was chosen for the project of writing the Design Standards for the City.

ADJOURNMENT

Chairperson Long adjourned the Planning Commission meeting at 9:25 p.m. to the next regularly scheduled meeting of October 20, 2006.

Respectfully Submitted,

Debra Lawson
Minutes Clerk

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ATTACHMENT "D"

Planning Commission Meeting
November 1, 2006

City Council Chambers
Page 2 of 6

On motion by Commissioner Martin and seconded by Commissioner Azevedo, the Planning Commission approved the Minutes of October 4, 2006.

AYES: *Martin, Azevedo, Brandt, Delgadillo and Long*
ABSTENTION: *Travers*
ABSENT: *Henry*

CONTINUED PUBLIC HEARING:

2. **Sunset Exploration requests approval of amendments to the text of the existing "S" Study Zone designation for the Sand Creek Focus Area (FUA-1) to allow oil and gas exploration/extraction to be considered within a portion of the Sand Creek Focus Area as a Temporary Use, subject to the approval of a Use Permit. The project site is located on the Antioch Unified School District (AUSD) property located on the west side of Deer Valley Road.**

Deputy Director of Community Development (DDCD) Carniglia provided a summary of the Staff Report dated October 26, 2006, recommending that the Planning Commission table this item and that it be brought forward to the City Council as a point of information.

Opened Public Comment

Bob Nunn, Sunset Exploration, distributed to the Commission a Use Agreement signed by the Antioch Unified School District (AUSD) and stated that he did not support the AUSD decision, but based on this decision he did not see any reason to change the zoning. He added that there were other opportunities in this area and that this issue needs to be approached from an economic standpoint, in terms of choosing a proper setting and changing the policy on a temporary basis.

Commissioner Martin stated that when the applicant came before the Planning Commission previously and it was decided to move forward with the drilling on a temporary basis, did Mr. Nunn still have the appropriate information that could be made available to the Planning Commission, if drilling is requested at a later date by the applicant? Mr. Nunn stated that he did have the appropriate information for the Commission and stated that he was currently drilling in the far East County. He recommended that the Commission visit his site to view the drilling process within the next five days.

Closed Public Comment

On motion by Commissioner Azevedo and seconded by Commissioner Martin, the Planning Commission accepted Staff's recommendation to table the request to allow oil and gas drilling as a temporary use on the AUSD

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property located on the west side of Deer Valley, within the Sand Creek Focus Area.

AYES: Azevedo, Martin, Delgadillo, Travers, Brandt and Long

ABSENT: Henry

NEW PUBLIC HEARING

3. UP-06-22; AR-06-19 – Antioch Oncology Center – Bimal Patel, M.D., requests approval of a Use Permit to construct two approximately 20,000 sq. ft. one-story medical office buildings in a Planned Development District (PD). The 3.8 acre project site is located at 4751 Dallas Ranch Road, approximately 250 feet south of Lone Tree Way. (APN 072-450-008, 009 and 010)

Senior Planner Oshinsky provided an overview of the Staff Report dated October 24, 2006, recommending that the Planning Commission approve the Use Permit subject to the conditions contained in the proposed Resolution. Ms. Oshinsky noted that in regards to Phase II, she had distributed a new conceptual plan for the parking count. Furthermore, the site plan that is before the Commission tonight indicates the phasing line dividing a bank of parking and Staff would like to make a slight correction to it. In order for easier access for emergency vehicles, Staff would like to move the phasing line out to include the drive isle.

Senior Planner Oshinsky noted that after the plans were sent to the Commission, comments were received from the property owner to the south from the Senior Care Facility expressing a concern regarding the south facing parking stalls. There were concerns expressed that car headlights would shine into the windows of the residential units of the facility, wherein Staff recommended that landscaping could be changed out to partially alleviate this concern.

Senior Planner Oshinsky suggested a modification to Project Specific Condition No. 53 to read: "That landscaping, as approved by Staff, shall be used to block potential headlight glare from parking spaces facing towards the assisted living facility to the south. And based on a concern of the Senior Care Facility, they would like the lights shielded and hooded, in order that they not shine on adjacent properties.

Commissioner Martin referred to Staff's corrected conceptual plans regarding the parking that was dedicated to a vault where only one patient at a time is treated, and Staff provided corrected parking allowances. He asked that in the future if this building is modified in some fashion, would the applicant or the owners, be required to meet parking requirements based on 19,900 square feet instead of 18,400 square feet. Ms. Oshinsky stated that in the event the vault is never built and the building is built out to 19,900 square feet, the owner of the building at

A73

02

ATTACHMENT "E"

ANTIOCH CITY COUNCIL
October 25, 2005

Regular Meeting
Page 10 of 12

On motion by Councilmember Conley, seconded by Councilmember Simonsen the City Council unanimously adopted the urgency ordinance extending the interim prohibition during study period for up to one additional year.

COUNCIL REGULAR AGENDA

8. REQUEST BY SUNSET EXPLORATION TO DRILL A GAS/OIL WELL IN THE SAND CREEK FOCUS AREA #202-02

Community Development Deputy Director Carniglia presented the staff report dated October 18, 2005 recommending the City Council receive the report and provide staff direction on desired action.

Walt Bartlett requested the City Council deny the placement of oil/gas wells in the area noting he felt the location was inappropriate and would cause negative visual impacts, possible water contamination and decreased property values.

Bob Nunn, representing Sunset Exploration, stated he felt they could manage the scope of impacts by properly screening and buffering. He noted if successful they would generate a significant amount of money for the school district.

Mayor Freitas stated he had requested and never received specific examples so he could determine firsthand the scope of impacts related to gas/oil wells. He noted the City had attempted to raise the level of development and he felt having an oil/gas well in this vicinity was counterintuitive.

In response to Mayor Freitas, Mr. Nunn clarified the School District would receive 6.25% of the gross revenue and he believed this well could be productive for approximately 3-5 years. He stated he would be happy to provide a field trip. In addition, he noted the City of Antioch would be receiving taxes at the rate of 1% annually.

A motion was made by Councilmember Conley, seconded by Mayor Freitas to provide direction as Option #1 - Leave the current zoning for the Sand Creek Focus Area (the S Study Zone) as it was worded. No action was taken on the motion. The motion died.

Councilmember Kalinowski voiced his support for option #2 noting, with a use permit and proper screening he felt the facility in a rural setting could be appropriate.

Councilmember Simonsen stated he could not support the previous motion and offered an amended motion.

On motion by Councilmember Simonsen, seconded by Councilmember Kalinowski the City Council adopted Option #2 - *Direct staff to amend the existing zoning (the S Study Zone) to allow oil and gas exploration to be considered within the Sand Creek Focus Area subject to a use permit with the addition the use permit would be subject to City Council approval.* The motion carried by the following vote:

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E1

Ayes: Davis, Kalinowski, Simonsen

Noes: Conley, Freitas

9. REVIEW OF COMPLAINTS REGARDING CODE COMPLIANCE BY NOKES AUTO DEALERSHIPS #901-01

City Attorney Galstan presented the staff report dated October 3, 2005 recommending the City Council: A) Adopt the resolution eliminating Condition #55 of Planning Commission Resolution 2003-14, thus eliminating "no right turn" sign for driveway onto West 18th Street; B) Determine that any unresolved complaints do not rise to a priority sufficient for any further City enforcement action, and; C) Receive and file this report. He clarified there was a resolution on the dais this evening correcting all the references to East 18th Street to West 18th Street.

Mayor Freitas announced the City Council had received correspondence from Trudy Martinez expressing concern she was not notified of this agenda item and requesting this item be postponed to the next Council meeting.

Ken Lee, Antioch resident, thanked the Mayor for inviting him to his first City Council meeting in 2003 and expressed concern the Council was failing to address public concerns to preserve the quality of life in their neighborhood. He demanded the neighbors be notified and allowed to speak on the removal of conditions and changes recommended this evening.

Emil Stein, Antioch resident, presented a flyer he received last week from the Nokes Dealership indicating they were continuing to use the Somersville Road address. He questioned when Somersville Road was widened to allow for unloading.

Community Development Director Brandt clarified a minor widening had occurred on Somersville Road.

Councilmember Kalinowski stated he concurs with staff report and if there were further violations interpreted by residents they could seek remedy through the civil court process.

RESOLUTION NO. 2005/118

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously: A) Adopted the resolution eliminating Condition #55 of Planning Commission Resolution 2003-14, thus eliminating "no right turn" sign for driveway onto West 18th Street; B) Determined that any unresolved complaints do not rise to a priority sufficient for any further City enforcement action; and C) Received and filed this report.

Mayor Freitas adjourned to the Antioch Development Agency with all Agency Members present.

10. AGENCY CONSENT CALENDAR

A. APPROVAL OF AGENCY WARRANTS #401-02

A75
E2

ATTACHMENT "F"

Antioch City Council
January 23, 2007

Regular Meeting
Page 5 of 11

- N. UPDATE ON REQUEST BY SUNSET EXPLORATION TO ALLOW GAS WELLS WITHIN THE SAND CREEK FOCUS AREA (#202-02)
- O. RESOLUTION NO. 2007/04 APPROVING RECLASSIFICATION OF POLICE ADMINISTRATIVE MANAGER POSITION WITH A POLICE LIEUTENANT (#502-02)
- P. FIRST YEAR REVIEW OF CASH ADVANCE METHOD VS. PER DIEM FOR CITY TRAVEL EXPENSE REIMBURSEMENTS (#401-01)

On motion by Councilmember Davis, seconded by Councilmember Moore, the Council unanimously approved the Council Consent Calendar with the exception of items G, M and O, which were removed for further discussion.

Item G – Jim Patton suggested the City Council consider there are massage therapist who are healers. He requested education hours at accredited schools be taken under consideration and questioned how the examination process would be conducted.

Mayor Freitas clarified the City Council requested staff provide a report in July 2007 while they continue dialog with individuals who raised issues regarding modifications to the ordinance.

Councilmember Simonsen acknowledged the City Council received a letter on this item from Della Lorenzetti this evening.

Councilmember Moore stated he felt the ordinance did not address all the issues raised; therefore, he would not be supporting a motion for approval.

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council approved item G. The motion carried by the following vote:

Ayes: Davis, Kalinowski, Simonsen, Freitas,

Noes: Moore

Item N – Councilmember Kalinowski expressed concern regarding the length of time it took to bring this item back to the City Council.

Community Development Deputy Director Carniglia reported there was no longer property owner consent to allow oil and gas drilling within the Sand Creek Focus Area.

Mayor Freitas suggested holding this item in abeyance to allow staff to discuss with the property owner formalizing withdrawal of the application.

A motion by Councilmember Simonsen to continue item N, died for lack of a second.

Item O – In response to Mayor Freitas, City Manager Jakel clarified the non-sworn police administrative manager position would be replaced by a sworn police lieutenant.

On motion by Councilmember Simonsen, seconded by Councilmember Davis, the City Council unanimously approved Item O.

A76

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ATTACHMENT "G"

CITY OF ANTIOCH PLANNING COMMISSION REGULAR MEETING

Regular Meeting
7:30 p.m.

December 19, 2007
City Council Chambers

Chairman Travers called the meeting to order at 7:40 p.m. on Wednesday, December 19, 2007, in the City Council Chambers.

Chairman Travers stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Wednesday, December 28, 2007.

ROLL CALL

Present: Commissioners Westerman, Johnson, Delgadillo, Trail, Brandt and
Chairman Travers
Absent: Vice Chairman Azevedo
Staff: Deputy Director Community Development Wehrmeister
Deputy Director Community Development Carniglia
Traffic Engineer Bernal
City Attorney Nerland
Minutes Clerk Lawson

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: October 17, 2007
November 7, 2007

Commissioner Delgadillo pulled the Minutes of October 17, 2007 and requested that the Minutes be voted on separately.

On motion by Commissioner Delgadillo and seconded by Commissioner Brandt, the Planning Commission approved the Consent Calendar.

AYES: Delgadillo, Brandt, Westerman, Johnson, Trail and Travers
ABSENT: Azevedo
ABSTENTION: Trail

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Commissioner Delgadillo pulled the Minutes of October 17, 2007 to be voted on separately.

On motion by Commissioner Brandt and seconded by Commissioner Delgadillo, the Planning Commission approved the Minutes of October 17, 2007.

AYES: Brandt, Delgadillo, Travers
ABSENT: Azevedo
ABSTENTION: Trail, Westerman and Johnson

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARINGS

2. UP-07-16 – In Shape Health Club Exterior Pool Features – In Shape Health Club, Inc., requests approval of an amendment to the Planned Development and Use Permit to install three exterior water features including two pool slides and a spray fountain at the existing health club. The project is located at 4065 Lone Tree Way (APN 072-012-212).

Deputy Director of Community Development (DDCD) Wehrmeister reported that Item No. 2 would be continued to January 16, 2008.

On motion by Commissioner Brandt and seconded by Commissioner Johnson, the Planning Commission continued Item No. 2 to January 16, 2008.

AYES: Brandt, Johnson, Westerman, Delgadillo, Trail and Travers
ABSENT: Azevedo

3. MDP-06-02 – Deer Valley Estates – Allied Investments requests review of a Master Development Plan and a Planned Development Rezone, for the development of a 135 unit single family home subdivision on an approximately 38 acre parcel. The project site is located in the southern portion of the City of Antioch and is bounded by Deer Valley Road to the west and Wellness Way and the Kaiser Hospital medical facilities to the south.

DDCD Wehrmeister reported that Item No. 3 would be continued to January 16, 2008.

On motion by Commissioner Brandt and seconded by Commissioner Trail, the Planning Commission continued Item No. 3 to January 16, 2008.

A78
G2

AYES: *Brandt, Trail, Westerman, Johnson, Delgadillo and Travers*
ABSENT: *Azevedo*

NEW PUBLIC HEARINGS

Chairman Travers announced that Item No. 5 would be taken at this time and that Staff has requested that it be continued to January 16, 2008.

5. **Z-07-01 – RDA Ordinance Update – The City of Antioch is requesting amendments to the City's Zoning Ordinance, Title 9, Article 40 "Residential Development Allocation" (RDA), to address several development allocation processing requirements.**

On motion by Commissioner Delgadillo and seconded by Commissioner Brandt, the Planning Commission continued Item No. 5 to January 16, 2008.

AYES: *Delgadillo, Brandt, Westerman, Johnson, Trail and Travers*
ABSENT: *Azevedo*

Chairman Travers reported that Item No. 4 would be heard at this time.

4. **RDA-07-04 – Wilbur Townhomes – Lloyd Harris and Joe Bosman request that the Planning Commission recommend approval of 40 residential development allocations in 2008 for a 63-unit townhome project. The project site is located at 701 and 810 Wilbur Avenue (APN 065-110-006 and 007).**

DDCD Wehrmeister provided a summary of the Staff Report dated December 14, 2007.

Commissioner Brandt requested that a qualifier be added to the Resolution regarding the tree that is to be placed in the rear yard.

OPENED PUBLIC HEARING

Norm Dyer, Loving and Campos Architects, spoke to open space issues and the decorative masonry wall. He stated that in regards to the back patio area, he is proposing an appropriate scaled species tree to fit the scaled rear yards, as well as leaving extra space for additional landscaping.

Commissioner Delgadillo requested information regarding past comments by the Commission regarding the addition of sidewalks being added to both sides of the street, as well as available storage for garbage cans. Mr. Dyer responded that this decision has not yet been made and will be brought forward as the project moves forward within the development process.

A79
G3

Commissioner Brandt requested that verbiage be added to Condition No. 9 that would read: "one appropriately scaled tree in each private rear yard . . ." Mr. Dyer concurred.

Commissioner Trail expressed concern to a new homeowner not being able to afford to landscape the backyard and requested that the applicant place a 15'x24' area of sod to the rear yard with a sprinkler system. Mr. Dyer concurred.

Chairman Travers expressed his appreciation to the applicant for bringing this type of development to the community, as well as making changes per the Commission's suggestions. He also stated that he agreed that rear landscaping be added, per Commissioner Trail's suggestion.

PUBLIC COMMENT

Gregg Piacitelli, resident, expressed concern to this proposed development being placed adjacent to his residence, and due to the project being constructed 15 feet higher than his property, he stated that his privacy would be taken away. He suggested that the applicant construct a masonry wall in this area to alleviate his concerns. Mr. Piacitelli also expressed concern to additional traffic, loss of privacy, loss of his view and construction dust and noise. He suggested that this area be utilized as some type of housing for disabled children and/or adults and felt this type of use would greatly benefit the community.

Cathy Dilley-Hall, resident, expressed concern to this proposed project creating additional traffic onto Minnaker and also felt this area could be better utilized with some type of housing facilities for disabled children and/or adults.

CLOSED PUBLIC HEARING

Commissioner Trail stated that she understood the concerns of the speakers, but felt this project would appreciate the value of the surrounding homeowners. Furthermore, she did agree that the existing neighbors should not be impacted by this proposed project and stated her appreciation for their concerns.

Commissioner Brandt stated her appreciation for the public's comments and encouraged the public to continue to follow this process. She also stated her support for the application from the RDA and encouraged the applicant to continue to work with Staff, in order that this project would benefit this particular area.

Chairman Travers stated that he felt this project would be a benefit to the existing area, and that the Commission will perform their due diligence in the planning stages, in terms of working through safety issues and ensuring that the project would meet all City standards.

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RESOLUTION NO. 2007-XX

On motion by Commissioner Brandt, and seconded by Commissioner Johnson, the Planning Commission approved an application from Joe Bosman and Lloyd Harris for the approval of 40 residential development allocations for a 63 unit townhouse project generally located at 701 and 810 Wilbur Avenue (APN's 065-110-006 and 007) with the amended change:

- ***Condition No. 9 to read: "The builder shall provide a concrete rear patio and one appropriately scaled tree in each private rear yard which the owner will maintain."***

AYES: Brandt, Johnson, Westerman Delgadillo, Trail and Travers
ABSENT: Azevedo

6. Z-07-06, UP-07-20 – Sunset Exploration is requesting a change to the existing "S" Study Zone and approval of a Use Permit to allow them to drill and operate an oil/gas well as a temporary use on a 158 acre parcel located south of the existing homes on Mammoth Way, west of Deer Valley Road and east of Empire Mine Road. The proposed oil/gas well location is approximately 1,500 feet south of the back fences of the homes and front on Mammoth Way. The adequacy of a Mitigated Negative Declaration for the requested Zone Change and Use Permit will also be considered.

Chairman Travers and Commissioner Johnson excused themselves, due to a conflict of interest. Commissioner Delgadillo was appointed as Acting Chair.

Deputy Director Community Development (DDCD) Carniglia provided a summary of the Staff Report dated December 12, 2007. He noted that three letters were entered into the record that were addressed from:

- Karl E. Geier of Miller, Starr and Regalia
- Wendy and Greg Larimore
- Vera and Darren Calhoun

Commissioner Trail expressed concern to the adjacent water wells, in terms of quality and contamination due to the drilling. DDCD Carniglia stated that it is required by the State of California that seepage is prevented into surrounding soil and given the horizontal and vertical distance of the drill; he felt this would not be a significant issue.

OPENED PUBLIC HEARING

Bob Nunn, Sunset Exploration, felt that due to the downturn of the real estate market, this would be a opportune time to drill in this area until the market turns around. In terms of noise, staff has placed specific concepts to protect and control the operation to a greater degree than is usually typical for his company. In regards to mineral rights, he

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stated that he is controlled by the Shea/Dividend Group for three years and he is under a temporary use permit.

In responding to Commissioner Brandt, Mr. Nunn addressed noise issues and stated that noise could be mitigated with shielding the drilling operations away from the homes, and if the Commission so desires he would be amenable to conditioning that a sound engineer be placed on site.

Commissioner Brandt asked Mr. Nunn if he was in full agreement with the Staff Report, as presented. Mr. Nunn stated that he was in agreement with staff and it is acceptable to Sunset Exploration.

Commissioner Trail asked that if in the event this well operated between 3-5 years, long enough for the real estate market to recover, what would be a reasonable projected royalty to Shea for a successful well that would consist of approximately 1-6 wells. Also, would it be reasonable to say that Shea would be grossing at least \$1M over the course of 3-5 years. Mr. Nunn stated that he did not want to make a promise on a blind income amount, but believed that would be an accurate figure and it was consistent with his projections on how he would run his economics on this project. Commissioner Trail asked if Mr. Nunn would hold the nearby homeowners harmless for any unforeseen water quality issue, as well as, provide a yearly test water quality test. Mr. Nunn stated that he did not foresee any problem with this and furthermore, he stated that he would be willing to name any existing residents that have existing water wells on Sunset Exploration's insurance policy.

Commissioner Trail asked if Mr. Nunn has had any discussions with the City's Planning Department in regards to giving back any royalties to the community of Antioch, and in particular to the Antioch Unified School District. Mr. Nunn stated that any increase in property valuation, on the part of a successful well, would benefit the school district in terms of the tax base. He opposed any different type of criteria than what is proposed for his operation, and would resist any type of government mandating his business unless it is applied for other businesses also. He also stated that he would not pledge any type of royalties at this time and felt it was an inappropriate business requirement.

PUBLIC COMMENT

Robia Chang with Miller, Starr and Regalia, Representing the Zocchi Company, stated that she was not opposed to the use that is being proposed for the drill site and requested that the zoning amendment itself incorporate the distance requirement as one of the regulations that would apply where drilling activities are allowed under the zoning amendment.

Walt Bartlett, resident, expressed concern to the current 14 wells that exist along Deer Valley Road and have always have been concerned to the noise and water quality created that he felt occurs from drilling operations. He further did not want to set a precedent of adding additional drilling operations in this area.

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A resident expressed concern to above ground storage, in terms of secondary containment.

Mr. Nunn distributed information to the Commission regarding secondary containment and noted that it is requirement by the State of California. He stated that he would mitigate noise and that he has had no previous registered complaints from past drilling operations within the County.

CLOSED PUBLIC COMMENT

Through discussions amongst the staff and the applicant, DDCD Carniglia stated that a within the Staff Report, Exhibit "A", Requirement No. 4, verbiage would be added to read: "with a minimum of 1,500 feet from the existing homes on the northern boundary of the subject property."

DDCD Carniglia stated that per Exhibit "A", Requirement No. 11, verbiage could be added if the aggregate does manage to spill onto the adjacent roadway to read: "In the event that gravel of the all weather surface spills onto Deer Valley Road that some type of paving be provided that would be acceptable to the City Engineer."

Commissioner Brandt stated that she would move forward with an approval to the City Council, and that she would trust the City Council to address any outstanding concerns.

Commissioner Westerman felt that the applicant had adequately addressed the concerns of the Commission and stated that he would move forward with an approval.

Commissioner Trail expressed concern with the current real estate market and with this; she stated that she could not support the proposed zoning change. She again expressed concern to water quality issues for nearby residents.

Acting Chairman Delgadillo felt that all issues had been addressed by the applicant, but did express a concern to setting a precedent for other individuals with similar requests.

RESOLUTION NO. 2007-XX

On motion by Commissioner Brandt, and seconded by Commissioner Westerman, the Planning Commission approved a request from Sunset Exploration requesting a change to the existing "S" Study Zone to allow them to drill and operate an oil/gas well as a temporary use on a 158 acre parcel located south of the existing homes on Mammoth Way, west of Deer Valley Road, and east of Empire Mine Road (APN 057-021-003). The proposed oil/gas well location is approximately 1,500 feet south of the back fences of the homes that front on Mammoth Way, with the following:

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G7

- **Determining that the Mitigated Negative Declaration is adequate, per the Staff Report**
- **Amending Exhibit "A", Requirement No. 4, to read at the end of the first sentence and to be approved by Staff: "but in no event less than 1,500 feet from existing homes unless otherwise provided in the Use Permit".**
- **Defining language within the Use Permit to read that the oil/gas well shall be located not less than 1,500 from the existing homes on the northern boundary of the subject property.**
- **Recommending approval of the Use Permit contingent upon the City Council approval of Exhibit "A".**
- **Add Project Specific Condition No. 30 to read: "That a sound engineer be on site during the first drilling to determine sound levels and make any recommendations to further mitigate sound."**
- **Add Project Specific Condition No. 31 to read: "Properties within a certain radius, as well as residents along the Deer Hill Lane, who are currently on well water could be named by endorsement as additional insured on the general liability policy of Sunset Exploration's insurance policy in order to safeguard well water for the duration of the drilling operations."**

AYES: Brandt, Westerman and Delgadillo
NOES: Trail
ABSTENTION: Travers and Johnson
ABSENT: Azevedo

A break was taken at 9:50 p.m. and reconvened at 10:00 p.m.

7. **HO-07-230 – The decision of the Community Development Department to approve a Home Occupation Use Permit for a florist has been appealed. The project site is located at 2350 Galloway Court (APN 052-450-052).**

City Attorney Nerland announced that Commissioner Trail would be excused, due to a conflict of interest.

DDCD Wehrmeister provided a summary of the Staff Report dated December 13, 2007.

OPENED PUBLIC HEARING

Mike Massone, Appellant, former owner of Antioch Florist, expressed concern to Cottage Florist running their business out of their garage and not operating it in their leased space located on West Second Street. He distributed photographs to the Commission of a truck delivery that he felt was illegal. Mr. Massone expressed concern to the fact that the owner of Cottage Florist called the police stating that he was a threat to Ms. Trail.

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Doug Rimbald, Springyard Florist, felt that a florist is a manufacturer, in nature, and stated his objection that if this is approved, the City is subsidizing this business, in terms of utilities.

Roger Henry, representing Cottage Florist, stated that Cottage Florist does operate of 2350 Galloway Court since 2006, and previously operated out of the now Paula's Florist Shop on A Street. Due to the high cost of operating on A Street, Ms. Trail has reduced her volume by 30 percent, cut out all overhead, with the exception of one employee, and now operates the business out of her residence, as does other residents within the community. There are no walk-in customers or business conducted and the location on West Second Street is opened for a display area for Tele-Florist.

Dennise Myers, employee of Cottage Florist, stated that she makes all deliveries herself and that no business is conducted out of the Galloway residence and the majority of the work is conducted over the telephone. A truck delivery occurs once a week, with van deliveries more often.

Jason Bowen, resident, stated that he was not concerned that this business is being operated in his cul-de-sac and had never witnessed customers coming to the business. He also added that there is never a high volume of garbage, due to the business.

Fred Brown, resident, requested that the appeal be denied.

Linda Locke, resident, stated her support of small businesses and supported City Staff's recommendation.

Eddie Trail, owner of Cottage Florist, distributed a document signed by nearby residents stating their support for this floral business. He further expressed a concern to Mr. Massone's appearance in the neighborhood.

CLOSED PUBLIC HEARING

Commissioner Johnson stated that he felt that Cottage Florist was in compliance with the City's Municipal Code.

Commissioner Westerman felt that by moving this business from a retail area to a residence was based on a business decision and felt this business did meet the City's Municipal Code.

Commissioner Brandt felt that this business did not violate the Home Occupation Use Permit process.

Chairman Travers felt that the business complied with the City's Municipal Code.

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RESOLUTION NO. 2007-XX

On motion by Commissioner Brandt, and seconded by Commissioner Johnson, the Planning Commission Upheld Staff's decision to approve a Home Occupation Use Permit for a Florist Business and denied the appeal.

AYES: Brandt, Johnson, Delgadillo, Westerman and Travers
ABSENT: Azevedo
ABSTENTION: Trail

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

DDCD Wehrmeister distributed information pertaining to the League Planner's Institute to be held on March 26.

Chairman Travers read correspondence from the Smart Voter and League of Women Voters.

COMMITTEE REPORTS

Commissioner Westerman reported that a Design Review Guideline Subcommittee meeting was held on December 10 that was a continuation of a review of the Draft Guidelines.

ADJOURNMENT

Chairman Travers adjourned the Planning Commission at 11:10 p.m. to the next regularly scheduled meeting to be held on January 16, 2008.

Respectfully Submitted,

Debra Lawson

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ATTACHMENT "H"

December 18, 2007

The Planning Commission of the City of Antioch

Community Development Department

Dear Planning Commission:

This week, the Planning Commission of the City of Antioch, CA will be holding a hearing to review Sunset Exploration's request to change the existing "S" Study Zone and approval of a Use Permit to allow them to drill and operate an oil/gas well on a 158 acre parcel located south of existing homes on Mammoth Way. We are writing to express our strong opposition to this to this proposal, and urge you to vote against it.

Our opposition is based upon the potential short term and long term impacts to the environment, the health risks to humans and wildlife, impacts to our quality of life, the likely property devaluation of our homes, and the inherent safety risks of running this type of operation within close proximity of occupied dwellings.

Environmental:

Natural gas and oil leaks and spills can have extremely negative effects on the natural environment. Past safety records from drilling sites across the country indicate that such accidents will take place – it is a matter of when it will happen, not if it will happen. The potential for accidental or routine release of drilling wastes into the environment is alarming.

Health Risks:

The oil and gas extraction industry leads all other natural resource extraction industries in the total volume of air emissions each year. The adverse human health effects of air pollutants and particulate matter are well documented. Fine particulate matter has been shown to result in difficulty breathing and to aggravate existing heart and lung disease. On hot, humid summer days, of which there are typically many in this region, these emissions can also adversely impact the respiratory health of asthma sufferers, putting at-risk populations of children, the elderly, and individuals with lowered immune system function), and individuals with existing heart and lung diseases.

Quality of Life and Economic Impact:


There is the potential for significant environmental degradation of our neighborhood based on the noise, visual impacts, and property devaluation caused by operation of even a single individual well site.

Safety:

There are numerous safety concerns related to oil & gas production, including but not limited to Methane seeps, setbacks, accidental contact with a pipeline through excavation, combustibility of extremely flammable oil and gas products, and the discharge of air pollutants and other potentially hazardous emissions.

Taking these factors into consideration, we believe that a vote in favor of this proposal is a bad vote for the City of Antioch, and the residents of Mammoth Way and adjoining neighborhood, and thus we urge you to maintain the current zoning designation and oppose this proposal.

Sincerely,


Vera and Darren Calhoun

2480 Mammoth Way, Antioch, CA 94531

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H1

December 18, 2007

Victor Carniglia
Community Development Department
P.O. Box 5007
Antioch, Ca 94509

Dear Mr. Carniglia,

Thank you for your recent correspondence to the homeowners at Aspen Grove in Antioch dated on December 7, 2007 in regards to the public hearing at the City Hall on December 19, 2007 involving the proposed site for Sunset Exploration.

Although we are not able to attend this particular meeting we would like to express our concern. This is our written statement in opposition to the proposal filed to allow **Sunset Exploration** the approval of a Use Permit; to allow them to drill and operate an oil/gas well on the 158 acre parcel located south of our home at 2484 Mammoth Way.

We are one of many original homeowners at Aspen Grove and we specifically chose this particular development and paid premium lot charges for the view that we have behind us. Our home and neighbors appear to be situated directly in front of the proposed site. Not only will this impact our view, but it will impact our resale value as well. What is the health risks involved with a project such as this? Will there be an odor or noise factor associated with this proposed drilling and operation of an oil/gas well? As a Realtor and homeowner; I am well aware of the negative consequences external and environmental factors play on the sale of residential property to potential buyers once the obstruction is perceived as a nuisance, a noise factor, a health hazard or even an eyesore. If in fact it is an actual hazard, then it becomes detrimental.

Please do let us know how we can be of service *against* this proposed project regarding Sunset Exploration.

Sincerely,

Wendy M. Larimore and Greg A. Larimore
2484 Mammoth Way
Antioch, CA 94531

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H2



**MILLER STARR
REGALIA**

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.msrlgal.com

Karl E. Galar
KEG@msrlgal.com
925 935 9400

December 19, 2007

VIA FACSIMILE (925) 779-7034 AND HAND DELIVERY

Honorable Chair and Members of the Planning Commission
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Re: December 19, 2007 Planning Commission Meeting Agenda Item 6; Zoning
Amendment (Z-07-06) and Use Permit Request by Sunset Exploration (UP
07-20).

Dear Honorable Chair and Members of the Planning Commission:

This firm represents The Zocchi Company, the owner of approximately 40 acres located on the east side of Deer Valley Road within the Sand Creek Focus Area ("Focus Area") in the City of Antioch ("City"). On our client's behalf, we have reviewed the proposed Zoning Amendment and Use Permit request by Sunset Exploration, to drill and operate a gas/oil well as a temporary use on a portion of a 157-acre parcel on the west side of Deer Valley Road within the Focus Area. As you know, the entire Focus Area comprised of approximately 2,700 acres, is designated Study Zone and is subject to an existing prohibition against any mineral extraction. The proposed zoning amendment would amend the Study District regulations to allow a temporary use for mineral extraction only on the subject site.

While we do not object to the proposed temporary use on this particular site as requested by Sunset Exploration, we are concerned that the City Council's approval of the proposed zoning amendment will create a precedent for the approval of similar requests within the Sand Creek Focus Area in the future, without providing for adequate limitations. To the extent that the proposed zoning amendment is approved, we request that the Planning Commission direct staff to modify the proposed regulations contained in the amendment to establish a minimum buffer requirement of 1,500 feet between the drilling facilities and any planned or existing residential development.

The requirements set forth in the proposed zoning amendment would not adequately minimize the impacts of drilling operations on existing and proposed residential uses, if established as a precedent for other sites within the Sand Creek Focus Area. The stated purpose and intent of regulating of the drilling of oil/gas wells as a temporary use, as set forth in the proposed amendment, is in part to

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Honorable Chair and Members of the Planning Commission
December 19, 2007
Page 2

minimize the potential impact on existing and proposed residential uses. (Staff Report, Exh. A.) To that end, however, Requirement No. 4 merely provides that "[t]o the extent practicable, the oil/gas well shall be located so as to maximize the distance between the proposed facility and existing residences. The exact location of any oil/gas well shall be determined as part of the use permit process." (Id.)

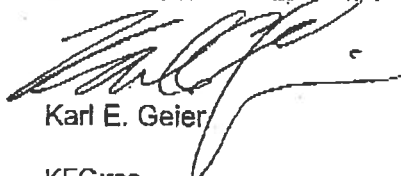
Although Sunset Exploration's proposed well is appropriately situated more than 1,500 feet from the nearest existing residences, the City's approval of the zoning amendment without a specified distance requirement, sets a precedent for drilling operations as a permissible use without sufficient limitations to protect nearby residential developments. As staff points out, it is conceivable that other property owners in the future may request similar zoning amendments, particularly if the proposed gas/oil well is commercially successful. (Staff Report, p. 5.) The City's consideration of the current proposal provides an opportunity for the City to impose a minimum distance requirement in the zoning ordinance to ensure that impacts on existing and proposed residential uses are minimized.

We respectfully request that the Planning Commission deny both the requested amendment to the existing Study Zone designation and accompanying Use Permit application. To the extent that the proposed zoning amendment is approved, we request the Planning Commission direct staff to modify the proposed amendment to require a minimum distance of 1,500 feet between any drilling facilities and any planned or existing residential development.

Please contact me if you have any questions.

Very truly yours,

MILLER STARR REGALIA



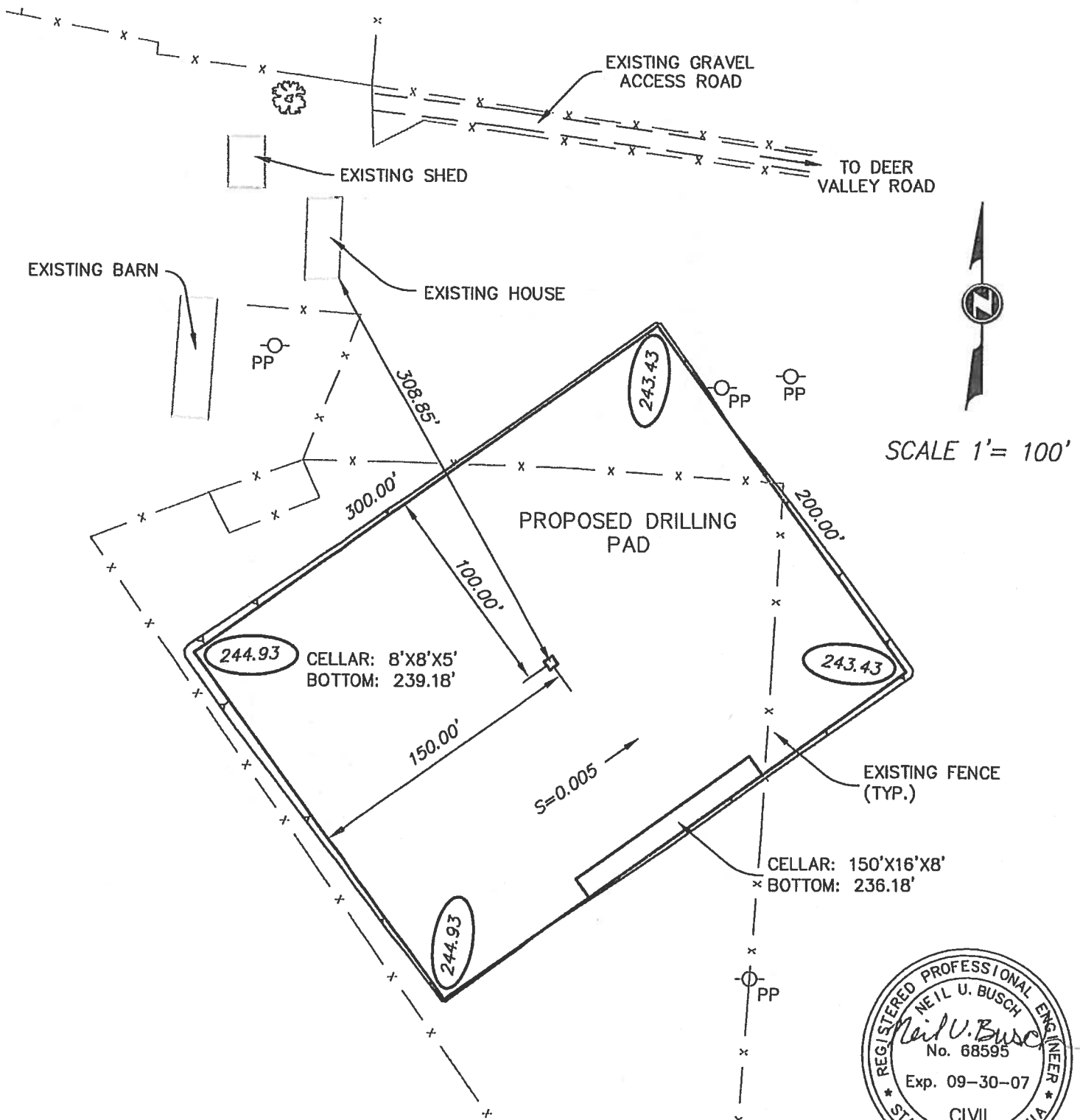
Karl E. Geier

KEG:rsc

cc: Carlo Zocchi



ATTACHMENT "B"



244.93 PROPOSED FINISH GRADE

BENCHMARK: NATIONAL GEODETIC SURVEY
DESIGNATION "GPS CONTROL PT 60" ELEV: = 191.39'
N.V.G.D. 29

LM CIVIL ENGINEERING
LAND SURVEYING
PLANNING
LAUGENOUR AND MEKLE

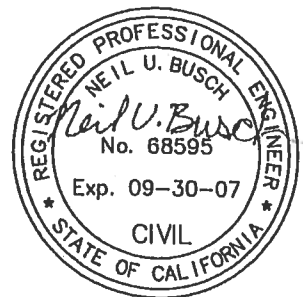
608 COURT STREET, WOODLAND, CA 95695
PHONE: (530) 862-1755
FAX: (530) 662-4602

**SOUTH WELL
SITE GRADING PLAN**

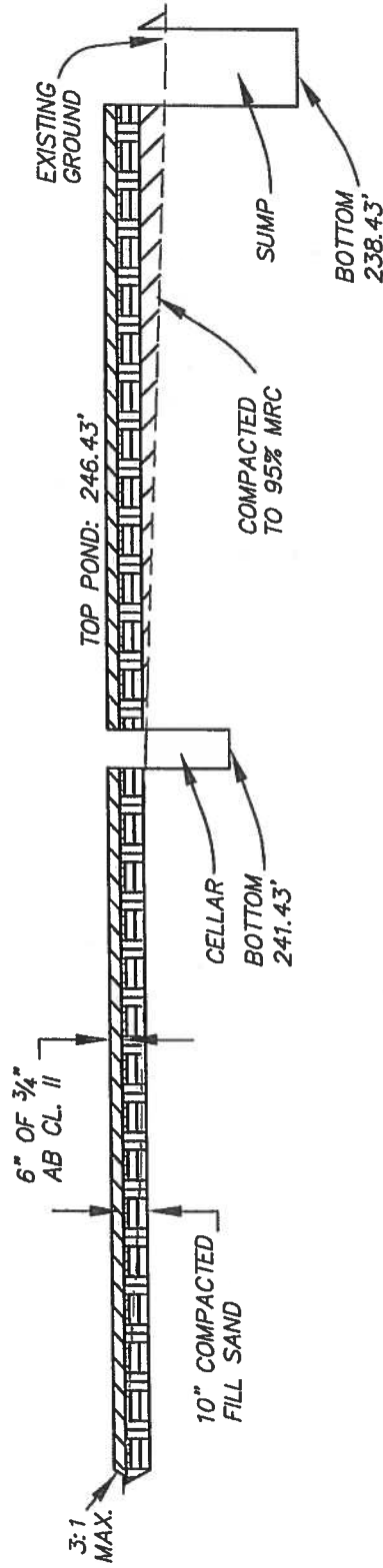
FOR
BOB NUNN
SECTION 8, T.1N., R.2E. B1
M.D.B.&M., CITY OF ANTIOCH
CONTRA COSTA COUNTY, CA

08-08-07

SHEET 1 OF 2



#2321-1



PAD
X-SECTION VIEW
LOOKING NORTHEASTERLY

HORIZONTAL SCALE 1' = 30'

VERTICAL SCALE 1' = 10'

SOUTH WELL
SITE GRADING PLAN
FOR

BOB NUNN
SECTION 8, T.1N., R.2E.
M.D.B.&M., CITY OF ANTIOCH
CONTRA COSTA COUNTY, CA

LM
CIVIL ENGINEERING
LAND SURVEYING
PLANNING
LAUGENOUR AND MEKLE

608 COURT STREET, WOODLAND, CA 95695
PHONE: (530) 662-1755
FAX: (530) 662-4602

08-08-07

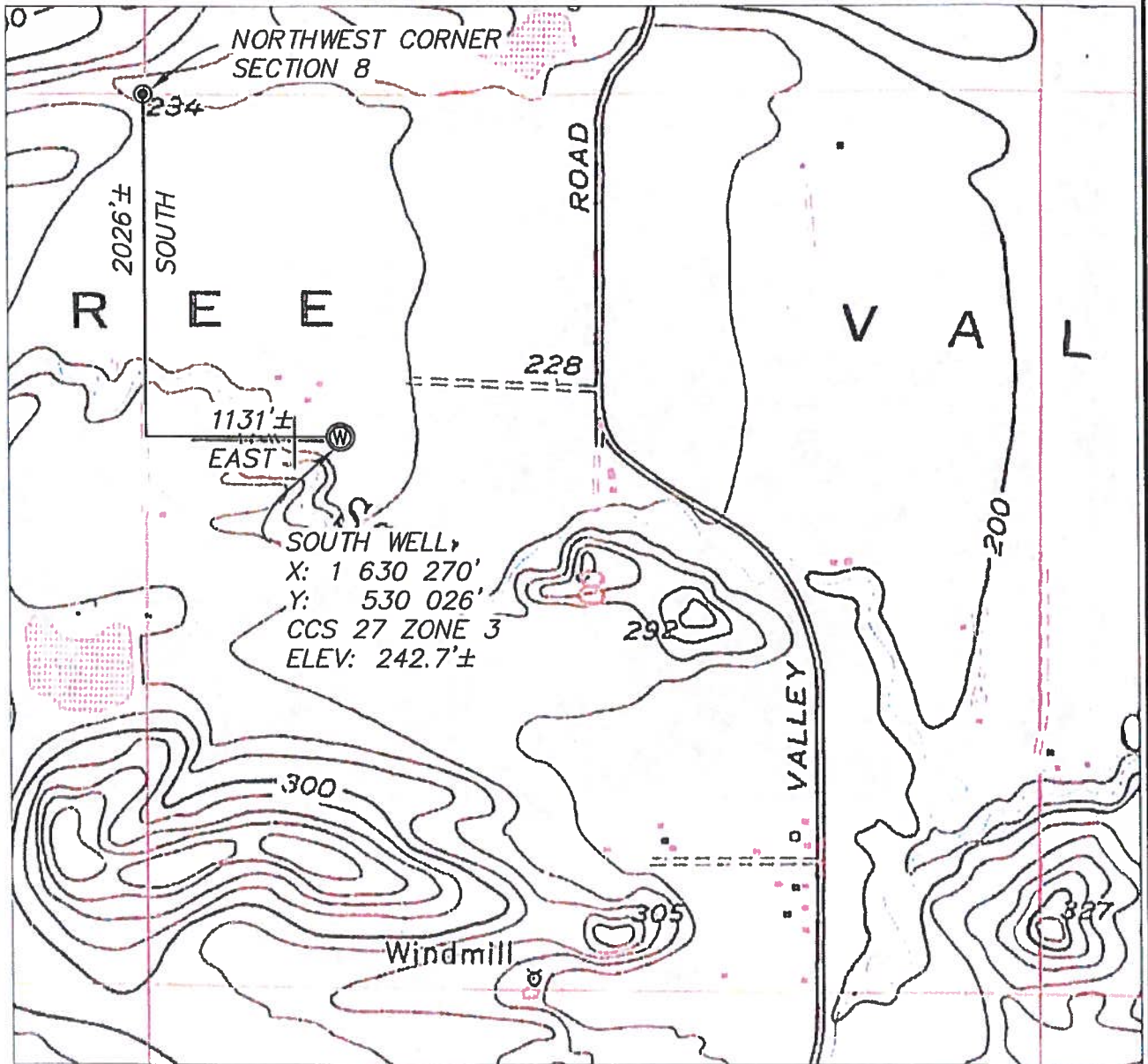
SHEET 2 OF 2

#2321-1

B2

SKETCH OF WELL LOCATION FOR SUNSET EXPLORATION

WELL LOCATED 2026± FT. SOUTH; 1131± FT. EAST FROM
THE N.W. CORNER OF SECTION 8
T. 1 N., R. 2 E, M.D.B.&M.
CONTRA COSTA COUNTY, CALIFORNIA



LM CIVIL ENGINEERING
LAND SURVEYING
PLANNING
LAUGENOUR AND MEIKLE

808 COURT STREET, WOODLAND, CA 95695
PHONE: (530) 662-1755
FAX: (530) 662-4802



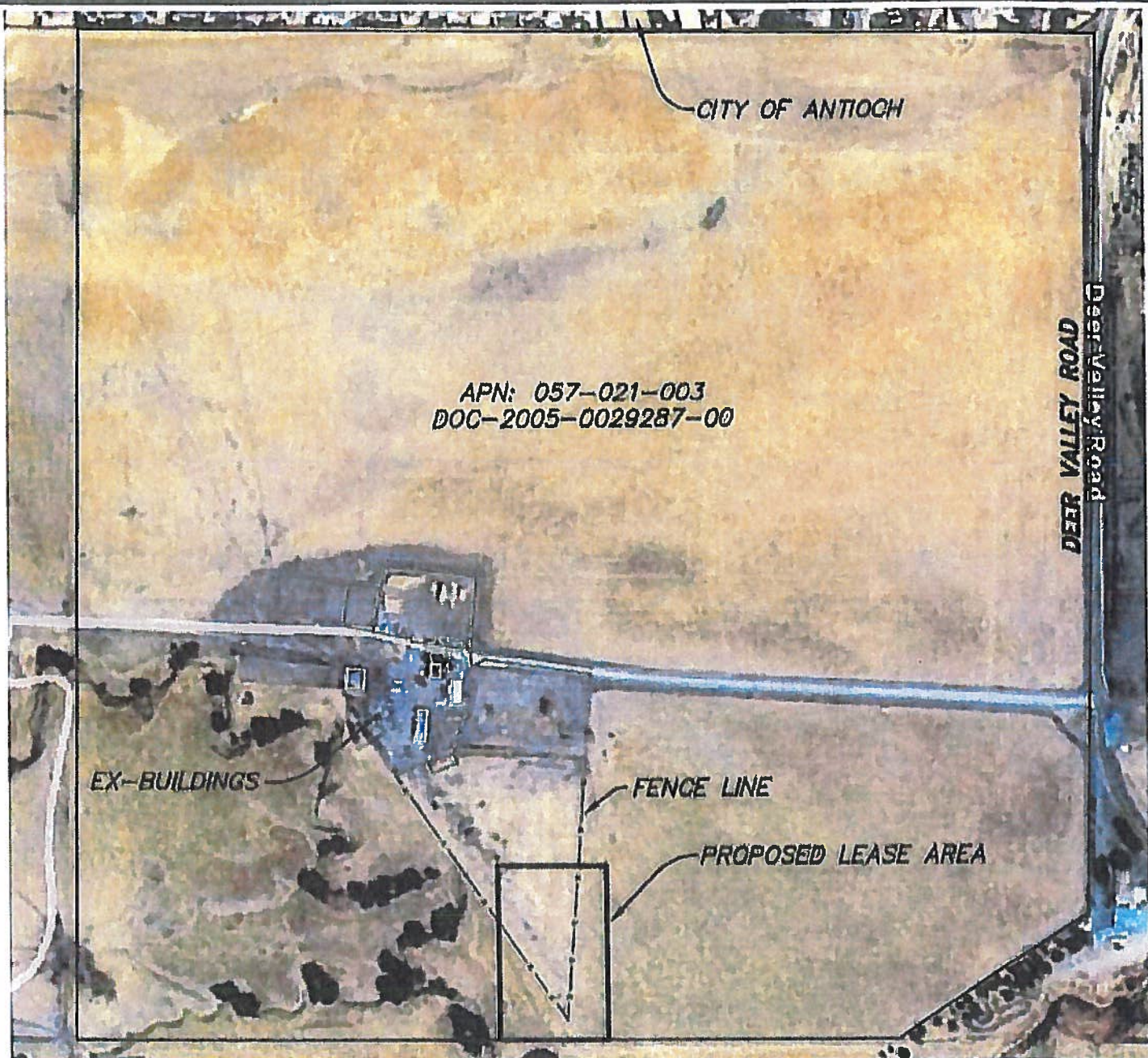
SOUTH WELL
WELL NAME

SCALE: 1" = 1000"

DATE: 8-07-07

B3

#2321-1



APN: 057-021-003
DOC-2005-0029287-00

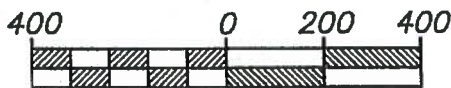
DEER VALLEY ROAD
DEER VALLEY ROAD

EX-BUILDINGS

FENCE LINE

PROPOSED LEASE AREA

GOOGLE EARTH IMAGE



SCALE: 1" = 400'

LM CIVIL ENGINEERING
LAND SURVEYING
PLANNING
LAUGENOUR AND MEIKLE

608 COURT STREET, WOODLAND CA 95695
PHONE: (530) 662-1755
FAX: (530) 662-4602

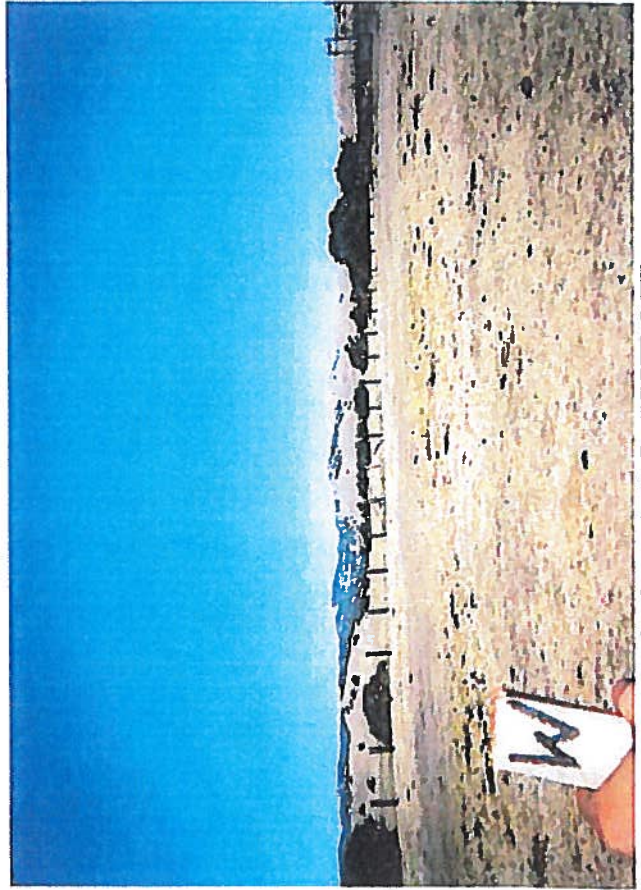
EXHIBIT TO ACCOMPANY DESCRIPTION
FOR
SUNSET EXPLORATION
LOCATED IN A PORTION
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 2 EAST,
MOUNT DIABLO BASE & MERIDIAN,
CITY OF ANTIOCH
OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA
SHEET 1 OF 1
MARCH 11, 2008

B4

#2321-1



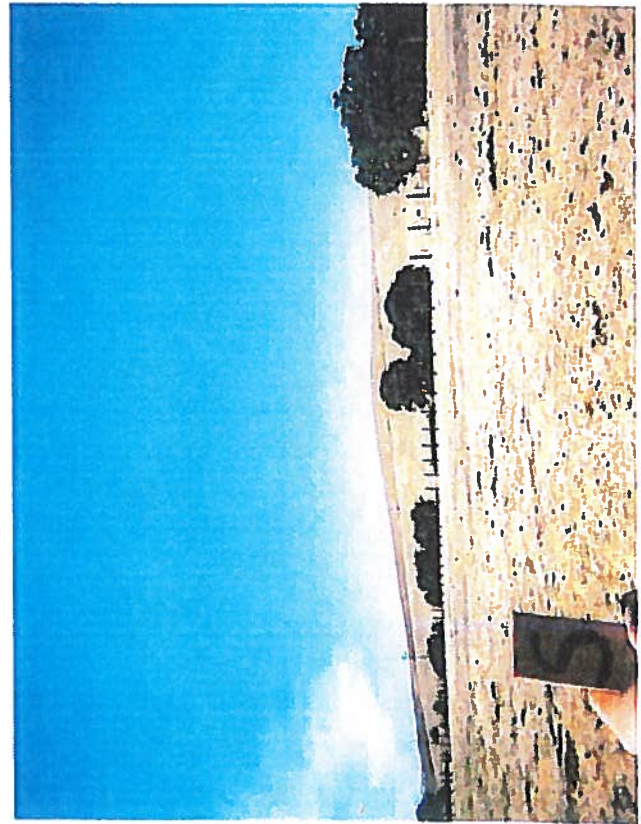
LOOKING EAST



LOOKING WEST



LOOKING NORTH



LOOKING SOUTH

**STAFF REPORT TO THE ZONING ADMINISTRATOR
FOR CONSIDERATION AT THE MEETING OF MARCH 7, 2013**

Prepared by: Tina Wehrmeister, Community Development Director *tw*

Date: March 4, 2013

Subject: Use Permit UP-07-20 – Appeal of determination that permit has expired

RECOMMENDATION & DISCUSSION

The applicant requested that this item be on the agenda should the new Use Permit (UP-13-01), subject of the previous item, not be approved. It is the applicant's opinion that UP-07-20 is vested. Should UP-13-01 be approved this item can be tabled. If UP-13-01 is denied, staff recommends that this item be forwarded to the Planning Commission.