

**RESOLUTION NO. 2008/16**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH  
ADOPTING 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 FOR  
SUNSET EXPLORATION**

**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 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**, 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.


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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:** Council Members Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

**NOES:** None

**ABSENT:** None

  
L. JOLENE MARTIN, City Clerk

