SHASTA COUNTY
PLANNING COMMISSION

MINUTES **Regular Meeting**

Date: January 9, 2009
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL

Commissioners Present:

Roy Ramsey	District 4
John Cornelius	District 3
John Wilson	District 2
Shirley Easley	District 5
Dave Rutledge	District 1

Staff Present: Richard Simon, Assistant Director of Resource Management
Rubin Cruse, Senior Deputy County Counsel
Bill Walker, Senior Planner
Kent Hector, Senior Planner
Lio Salazar, Associate Planner
Mark Cramer, Senior Environmental Health Specialist
Jim Diehl, Shasta County Fire Department
Al Cathey, Public Works/Subdivision Engineer
Dawn Duckett, Staff Services Manager, Recording Secretary

Note: **All unanimous actions reflect a 5-0 vote.**

Key: California Environmental Quality Act (CEQA): Mitigated Negative Declaration (MND), Negative Declaration (ND), Categorically Exempt (CE), Other Exemption from CEQA (OE); Not Subject to CEQA (N/A).

CONFLICT OF INTEREST DECLARATIONS: None

OPEN TIME: Mark Petty, Shingletown resident spoke regarding an upcoming water bottling project and discussed preserving the water table in the Shingletown area.

APPROVAL OF MINUTES: By motion made, seconded (Cornelius/Easley), and carried unanimously, the Commission approved the minutes of December 11, 2008, as submitted.

CONSENT ITEMS: By motion made, seconded (Easley/Rutledge), and carried unanimously the Commission approved the following Consent Items:

C1: **Use Permit 08-016 (Rodgers)**: By Resolution 2009-001, approved a Use Permit to allow for the construction of a new residence to be 46 feet in height within a zone district with a maximum height restriction of 35 feet. The project is located on the south side of Fern Road East, approximately ¼ mile east of Oak Run to Fern Road in the Whitmore area. Staff Planner: Hector. District 3. Proposed CEQA Determination: CE.

C2: **Parcel Map 06-067A (Youmans)**: By Resolution 2009-002, approved an amendment to a previously approved Parcel Map (PM 06-067) for the division of the property into three parcels being 2.2 to 3.5 acres in size. The purpose of the amendment is to modify the configuration of Parcel 3 in order to reduce the paved portion of the driveway from 418 feet to 250 feet. The project is located in the Happy Valley area on an 8.07-acre property on the north side of Hawthorne Avenue, approximately 1/8 mile west of Happy Valley Road. Staff Planner: Hector. District 2. Proposed CEQA Determination: ND.

PUBLIC HEARINGS:

R1: **Use Permit 08-007 *Continued from 12/11/08* (Ramstad)**: The project is located in the Palo Cedro area in the Palo Cedro Village shopping complex at the northwest corner of Deschutes Road and State Highway 44. The request is for approval of a Use Permit (to amend the approved plans in the Planned Development district) for expansion of an existing commercial building for a new drugstore consisting of the development of a 15,789-square-foot building, removal of two existing buildings totaling 12,283 square feet in area, and reconstruction of a portion of the parking area in the shopping complex. Staff Planner: Hector. District 3. Proposed CEQA Determination: ND.

Senior Planner Kent Hector recommended that the project be continued to the February 19, 2009, Planning Commission meeting. He explained that the project was under new ownership by CVS Drugstore and the new proponent was evaluating the application as proposed.

The public hearing was opened and Steve Ebe spoke in opposition to the project stating negative impacts to the rural way of life in Palo Cedro and the fact that two smaller pharmacies would no longer be in business should the project be approved. Also speaking in opposition were Joey Ortez who read aloud a letter opposing the project and pharmacy owner (in Palo Cedro) Marilyn Harnden who spoke on behalf of keeping small businesses in the Palo Cedro area. There being no other speakers for or against the project, the public hearing was closed.

ACTION: By motion made, seconded (Wilson/Rutledge), and carried unanimously, the Commission continued Use Permit 08-007 to the February 19, 2009, Planning Commission meeting.

R2: **Zone Amendment 08-012 & Parcel Map 08-010 (McGrew)**: The project is located in the Bella Vista area on the North side of State Highway 299, approximately ¼ mile east of Deschutes Road. The request is for the approval of a Parcel Map for the division of a 6.2-acre property (consisting of two existing parcels) into three parcels being 1.00 acre, 2.16 acres, and 3.05 acres in size. The Parcel Map is requested in conjunction with a Zone

Amendment to change the boundaries of the Mixed Use (MU) and Rural Residential (R-R) zone districts to coincide with the property lines of the proposed parcels and for consistency with the current MU and RA land use designations. Staff Planner: Hector. District 3. Proposed CEQA Determination: MND.

Senior Planner Kent Hector presented the staff report. The public hearing was opened and Ed Whitson, representing the applicant, spoke in favor of the project stating that the conditions of approval were satisfactory to the applicant. There being no other speakers for or against the project, the public hearing was closed.

ACTION: By motion made, seconded (Cornelius/Easley), and carried unanimously, by Resolution 2009-003, the Commission recommended that the Board of Supervisors conduct a public hearing and adopt a CEQA determination of a Mitigated Negative Declaration and approve Zone Amendment 08-012, based on the findings and subject to the condition listed in the Resolution, and by Resolution 2009-004, adopted a CEQA determination of a Mitigated Negative Declaration and approved Parcel Map 08-010, based on the findings and subject to the conditions listed in the Resolution.

R3: **Zone Amendment 08-007** ***Continued from 12/11/08*** **(Richards)**: The project site is two parcels totaling approximately 200 acres. The parcels are located in the east Redding area at the terminus of Ambrosia Drive, approximately three-tenths of a mile south of its intersection with Unforgettable Avenue. The item was continued from the December 11, 2008, Planning Commission hearing in order to address concerns by the California Department of Fish and Game (DFG). The project has been revised from a rezone of the entire project site to a rezone of only approximately 23 acres of the project site, from the Exclusive Agricultural combined with the Agricultural Preserve zone district (EA-AP) to the Limited Agricultural zone district combined with the Twenty Acre Minimum Lot Area zone district (A-1-BA-20) zone district, thus preventing further division. Staff Planner: Salazar. District 5. Proposed CEQA Determination: ND.

Associate Planner Lio Salazar presented the staff report. The public hearing was opened and Duane Miller, representing the applicant, spoke in favor of the project. There being no other speakers for or against the project, the public hearing was closed.

ACTION: By motion made, seconded (Cornelius/Rutledge), and carried unanimously, by Resolution 2009-005, the Commission recommended that the Board of Supervisors conduct a public hearing and adopt a CEQA determination of a Negative Declaration and approve Zone Amendment 08-007, based on the findings and subject to the condition listed in the Resolution.

R4: **Zone Amendment 08-021 & Parcel Map 08-034 (Neathamer)**: The project is located in the Anderson area on a 6.25-acre parcel on the south side of Deschutes Road, approximately four-tenths of a mile south of its intersection with Balls Ferry Road. The applicant has requested approval of a Zone Amendment from the Unclassified (U) zone district to Limited Agricultural (A-1) zone district in conjunction with a proposed two-parcel residential land division. The resulting parcels would be approximately three-acres in size. Each parcel would contain an existing single-family residence. Staff Planner: Salazar. District 5. Proposed CEQA Determination: CE.

Associate Planner Lio Salazar presented the staff report. The public hearing was opened and Duane Miller, representing the applicant, spoke in favor of the project stating that the conditions of approval were satisfactory to the applicant. There being no other speakers for or against the project, the public hearing was closed.

ACTION: By motion made, seconded (Wilson/Easley), and carried unanimously, by Resolution 2009-006, the Commission recommended that the Board of Supervisors conduct a public hearing and find the project exempt from CEQA and approve Zone Amendment 08-021, based on the findings and subject to the condition listed in the Resolution, and by Resolution 2009-007, found the project exempt from CEQA and approved Parcel Map 08-034, based on the findings and subject to the conditions listed in the Resolution.

R5: **Zone Amendment 08-023 & Parcel Map 08-027(Cottonwood JBRE LLC)**: The project is located in the west Cottonwood area on three parcels totaling 233 acres on the west side of Gas Point Road, approximately 3.7 miles south of its intersection with Platina Road and Clear Creek Road. The request is for approval to amend the zoning of a 112.31-acre portion of the project site from the Limited Agriculture zone district combined with the Mobile Home zone district with a minimum lot area of 40 acres (A-1-T-BA-40) to the Limited Agriculture zone district combined with the Mobile Home zone district with a minimum lot area of 10 acres (A-1-T-BA-10). The rezone would facilitate a Parcel Map to merge and re-subdivide the property into three +/-10-acre parcels and a 203.66-acre remainder parcel, with potential future development of eight additional 10-acre parcels and three 40-acre parcels. Staff Planner: Walker. District 2. Proposed CEQA Determination: N/A.

Senior Planner Bill Walker presented the staff report and recommended denial of the project. Commissioner Easley asked for clarification regarding available public services as well as the known number of dry wells in the area and stated that 10-acre parcels would promote small-scale agricultural activities and the rights of property owners should be considered. Richard Simon, Assistant Director of Resource Management stated that the goals of the General Plan for rural communities point to less development in outlying areas and encourage development in community centers. He added that there is a statewide movement to reduce greenhouses gases, consumption of fuel, and miles traveled.

Commissioner Wilson asked if developers have to demonstrate or prove that water is available before developing a parcel. Mark Cramer, from the Environmental Health Division stated that there are no known dry wells in the area and that water supply would be required to be demonstrated prior to any development.

The public hearing was opened and Eihnard Diaz, representing the applicant spoke in favor of the project, displaying district maps and data for the subject parcel as well as surrounding parcels. During his testimony, Mr. Diaz discussed: 1) that the fact that surrounding parcels were placed in zone districts prior to the General Plan has no significance on the proposed project; 2) the General Plan designation for the area, which allows for parcels as small as five acres; 3) the project's consistency with the General Plan; 4) transition areas and displayed a parcel map showing the future 40-acre parcels, which would provide a transition between the smaller parcels and resource uses; 5) the availability of water and provided a well completion report dated 10/06/08; 6) public services stating that the newly adopted development impact fees should mitigate that impact; 7) air quality and that current air

quality standards would not be exceeded as a result of the project; and 8) that the existing drainage on the property would provide a natural barrier between the project and nearby resource lands. Mr. Diaz recommended that the Commission select Alternative#2 listed in the staff report and return the project to staff for further analysis and environmental review under CEQA.

Bob Burger, a neighboring property owner spoke in opposition to the project and provided history of the area and described existing code violations on a nearby property. He voiced concerns regarding the low volume of available water and described the poor quality of the water in the area. Mr. Burger told the Commission that there were several vacant five-acre parcels in the area due to low water supply and poor quality of water. He also discussed concerns regarding air quality and the implementation of SB 375, the topography being too steep to provide future access roads, percolation issues, increases to the area crime rates, ingress/egress issues and the ability to fight wildfires in the area. There being no other speakers for or against the project, the public hearing was closed.

Commissioner Rutledge stated that there are properties to the north of the project site with smaller parcel sizes than the ones being proposed. Commissioner Wilson stated that he was aware of the water supply issues in the area and asked if a water study should be performed prior to the Commission making a decision.

Richard Simon stated that the smaller parcels in the area pre-date the adoption of the General Plan in 1984, and that since that time, this is the first proposal for parcels smaller than 40 acres. He added that the area contains several thousand acres that are zoned A-1-T-BA-40 and that if this request to rezone the property were approved, a precedent would be set. He urged the Commission to look at the proposed project in terms of consistency with the goals of the General Plan, not just technical issues such as the availability of water. Mr. Simon also stated that if the Commission chose to continue the project and refer it back to staff for further analysis, the motion should clearly reflect that no future approval by the Commission was intended or implied, as was suggested by Mr. Diaz.

Rubin Cruse, Senior Deputy County Counsel noted that SB 375 was a new law and that the Commission should only consider laws that were in effect at the time of the application for the proposed project.

ACTION: By motion made, seconded (Cornelius/Wilson), and carried by a 3-2 vote, with Commissioners Cornelius, Wilson, and Ramsey voting AYE and Commissioners Rutledge and Easley voting NO, by Resolution 2009-008, the Commission adopted a finding that CEQA does not apply to projects which a public agency rejects or disapproves and denied Zone Amendment 08-023, based on the findings listed in the Resolution, and by Resolution 2009-009, the Commission adopted a finding that CEQA does not apply to projects which a public agency rejects or disapproves and denied Parcel Map 08-027, based on the findings listed in the Resolution.

NON-HEARING ITEMS:

None.

ADJOURNMENT: The Planning Commission adjourned at 3:47 p.m.

Submitted by:

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Dawn Duckett, Staff Services Manager
Recording Secretary