SHASTA COUNTY
PLANNING COMMISSION

MINUTES **Special Meeting**

Date: January 31, 2007
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL **Commissioners Present:**

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

Staff Present: Russ Mull, Director of Resource Management
Mike Ralston, Assistant County Counsel
Bill Walker, Senior 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), De Minimis Finding of Significance (DM).

CONFLICT OF INTEREST DECLARATIONS: None.

OPEN TIME: No Speakers.

APPROVAL OF MINUTES: N/A.

PUBLIC HEARING:

R1: **General Plan Amendment 04-002, Zone Amendment 04-003, and Use Permit 05-006 (Shasta Regional Auto Mall)**: The project site is approximately five miles north of the City of Anderson and six miles south of the City of Redding in Shasta County. The project is located on the northeast corner of the intersection of Knighton Road and Interstate 5 (I-5), between Knighton Road, I-5, and Churn Creek Road. The project proponent has applied for the development of eight parcels for a regional auto mall. The proposed actions required of the County of Shasta include the following: 1) General Plan Amendment 04-002 that would change a portion of the land use designations of the project site from Part-Time Agricultural (A-cg) to Commercial (C); 2) Zone Amendment 04-003 to amend the project site from the Limited Agriculture (A-1) District, the A-1 District combined with the Restrictive Flood District (A-1 F-2), and the Planned Development District (PD), to the Community Commercial District combined with the Design Review District (C-2-DR) and the C-2 District combined with DR District and the Restrictive Flood District (C-2-DR-F-2). The C-2-DR and the C-2-DR-F-2 Districts would be designed specifically for a regional auto mall; and 3) Use Permit #05-006 for a regional auto mall.

Chairman Cornelius announced that the applicant had requested a continuance until February 21, 2007, and that historically the Commission had granted such requests. Resource Management Director, Russ Mull stated that because the project was likely to be continued, no staff report had been prepared for the meeting.

The public hearing was opened and speaking in opposition to the project were:

Speaker's Name	***Comment/Issue/Concern***
Rod Evans	Mr. Evans read aloud the following statement (word-for-word as written by Mr. Evans): "Mr. Chairman and ladies and gentlemen of the Planning Commission: Thank you for the opportunity to speak to you regarding the proposed conversion of agriculturally zoned land to commercial zoning in the CCB. As you can see, we are a group of people who are passionate about this topic. But perhaps more importantly, I would like you to know that we have been joined by 10 organizations who are also true believers in sound planning for Shasta County. They are: Shasta County Farm Bureau Citizens for Smart Growth City of Shasta Lake Parkview neighborhood assn The Sierra club The Shasta Growers assn Pacheco School

The CA Dept of Education
Neighbors of the Creek
The League of Women Voters

These organizations, who represent thousands of our citizens have reviewed the proposed Commercial development plans for the CCB and have concluded that this is not a good deal for Shasta County and its residents.

Because we understand that the only issue before you today will be to consider a request by the applicant to continue this meeting we have not asked for a large presence at this meeting by our members and supporters. We also wish to only have two speakers from our organization, myself and Mary Ocasion, address you very briefly today because we will not see the consultant's responses to our written comments for another two weeks. Assuming that you grant the applicant the continuance to Feb 21 we have a couple of requests.

1. To hold the Feb 21 meeting at 6:00 PM instead of during the day. This would allow those stakeholders that cannot get time off from work during the day to attend the meeting. All of the local cities hold their meetings at 7:00 to facilitate public participation.

2. At the Feb 21 meeting we only anticipate 4 or 5 speakers from our organization to present relevant information on the most critical topics. We do not intend to parade a lot of speakers up because we know that repetitious information will slow the meeting down. Therefore, we ask that you grant our 4 or 5 speakers a waiver of the time limitation, so that they may finish their presentations completely and we can go on to the next speaker.

I would like to at this time speak on the issues of zoning, planning, and the general plan.

First of all, the EIR errs in assessing the agricultural viability of the area in question. It describes portions of the area as an inactive Christmas Tree farm and the northeast property as fallow fields. In fact, after this EIR was released one could have gone to the Christmas tree farm throughout the holiday season and purchased a tree. As for the fallow fields, Steve Dabovitch, a local hay grower has planted and will harvest this coming spring some of the finest oat hay that can be found anywhere.

The EIR further errs in finding that the provisions in the general plan identified as CO-r and CO-t are consistent with the plan.

CO-r states "The County should develop a specific plan for the CCB area with emphasis on maintaining and preserving a variety of long range agricultural options for the area. This language clearly gives direction to the County to pursue the long term agricultural nature of CCB.

CO-t states "Commercial development in the CCB area shall be strictly limited to the I. 5 and Knighton Rd. intersection".

At or about the same time as this provision was included in the general plan the County changed approx 40 acres of agriculturally zoned land at that location to commercial zoning, thus fulfilling the intent of CO-t. The commercially zoned land at this location is approx the same size as the entire Mt. Shasta mall shopping center. Past commissions and boards have upheld that mandate consistently for many years. When commercial development is proposed on the commercially zoned land, we will not oppose it.

One area that the EIR correctly identified as significant and unavoidable, and that no mitigation measures are available for, is the land use conflict that will be created by pressure to convert additional land to commercial uses. However they probably had no idea of the scope of this problem. We know that nearly every landowner of agricultural land surrounding the auto mall on both sides of the freeway have been approached by financial speculators since the auto mall was proposed. These developers have made contingency offers to buy the land and convert it to commercial development. The contingency being the successful change of the property from ag to commercial designation. It would be very realistic to believe that if the auto mall were the first dominoe to fall, it would be followed by another 300 to 500 acres of commercial development within 10 years in the CCB.

Prior to 1971, a general plan was considered an advisory document. The Govt code was amended and the law now requires that land use decisions be consistent with the general plan. In 1990, the Calif Supreme Court declared that the general plan is the "Constitution" for all future developments. In a 1994 case, the courts established that there is a "legal presumption" That a County's general plan is "valid". Therefore, the burden is on those challenging the plan to demonstrate that the plan is inadequate.

For these reasons and for the planning process to be successful, it is imperative that a planning commission such as yourselves respect the general plan.

We know that our community will continue to grow and expand. The question is "how will we grow".

It should not surprise those of you involved in the planning process that the local "citizens for smart growth" was created. Growth and its resultant good or bad effects is now on many peoples minds. The urban sprawl and environmental degradation that will result from this projects approval just beg for cities and county's to think strategically about growth, by finding ways to improve growth patterns and to build vibrant, livable communities that have a sense of place.

In closing, I thank you for your consideration, and look forward to addressing you again on February 21st."

Mary Ocasion

A letter was distributed to the Commission by Ms. Ocasion prior to the public hearing. Ms. Ocasion stated that she owns and operates an organic farm in the Churn Creek Bottom area, and is opposed to rezoning prime farmland with uncommon soil types to commercial uses. She said that the project is inconsistent with the General Plan which speaks specifically against the conversion of agricultural land to commercial. She stated that 5.5 acres of the project site is zoned as a Planned Development and a development of that size would not likely pollute the water, cause major traffic issues, change the rural character of the area, or cause the school to become isolated by commercial developments. The 101 acres zoned agricultural should remain agricultural and continue to be available for agriculture, recharge of the aquifer, and serve as a buffer between Redding and Anderson. Ms. Ocasion went on to say that the Draft Environmental Impact Report (EIR) fell short in the following areas regarding agriculture: 1) conflict with existing zoning for agricultural use; 2) adversely impacting existing agricultural irrigation facilities; and 3) the mitigation possibilities. She stated that the Draft EIR needed to be specific regarding how prime farmland would be protected in Churn Creek Bottom to equate to no loss of prime farmland, otherwise, there can be no 1:1 mitigation. Ms. Ocasion asked that the Commission uphold the General Plan.

Lennart Lindstrand, Jr.

A letter was distributed to the Commission by Mr. Lindstrand prior to the public hearing. Mr. Lindstrand, President of the Shasta County Farm Bureau, stated that the Farm Bureau is opposed to the project. He said that agriculture contributes significantly to the economy of Shasta County and that according to the Agricultural Commissioner's Report for 2005, total agriculture production was $64,200,000. Mr. Lindstrand went on to say that agriculture land uses are a major component of Shasta County's resource land base and a major element in defining the quality of life. Mr. Lindstrand quoted the General Plan regarding the benefits of agriculture to the community and discussed the soils at the project site describing them

as the finest soils available for agriculture in Shasta County. He also said that the proposed project would create "leapfrog" development that would start a trend which would threaten the rest of the vicinity and the resource would be lost forever. Mr. Lindstrand urged the Commission to uphold the vision of the General Plan and reject the proposal.

Gail Rich — Ms. Rich, spokesperson for the Neighbors of Churn Creek, voiced public support for the Churn Creek Bottom Homeowners' and Friends Association in their opposition to the project. She stated concerns regarding conversion of the land to commercial uses and asked the Commission to not go forward with a General Plan Amendment.

Raymond Pittam — Mr. Pittam had concerns regarding flooding in the Churn Creek area and the impact of an auto mall to the drainage and negative impacts to the ground water.

Caleen Sisk-Franco — Ms. Sisk-Franco, representing the Winnemen-Wintu Tribe, stated that the project area was included in a 25-mile reservation from 1850, and the Churn Creek Bottom area holds villages of the Wintu. She inquired as to how the County proposed to protect the Native American sites and burial sites and questioned whether the County had followed the SB18 process for the project. She also voiced concerns regarding negative impacts to salmon and opined that Shasta County does not need an auto mall. Ms. Sisk-Franco asked that the meeting on February 21st be held during the evening.

Pam Rocca — Ms. Rocca stated that she worked on developing the General Plan in the early 1980's. She stated that 20 percent of the land in Shasta County is prime Class I and II soils and 80 percent of those soils are located in the Churn Creek Bottom area. Ms. Rocca said the spirit and desire of the General Plan was to protect and preserve agricultural land. She added that other uses such as subdivisions conflict with agriculture and the area should be preserved as a whole. Ms. Rocca said that the original intent of the Board of Supervisors was to preserve the agricultural land and prevent the area from becoming an industrial corridor between Redding and Cottonwood. She told the Commission that the agricultural land in Churn Creek Bottom was enough to support all of Shasta County and possibly some surrounding counties if need be.

Victor Ogrey — Mr. Ogrey asked that the Final EIR be released at least two weeks prior to the public hearing.

Dawne Samples addressed the Commission to advise that although the applicant was unable to attend the meeting, she was present as a representative. There being no other speakers for or against the project, the public hearing was closed.

Commissioner Rutledge said that given the number of comments received, he didn't feel there had been sufficient time to review the materials. Chairman Cornelius stated that the Commission had the Draft EIR for approximately two months and that the only item left for the Commission to review would be the comments and responses to comments in the Final EIR. Commissioner Rutledge stated concerns regarding a letter received by the Regional Water Quality Control Board indicating that certain appendices had not been received. Commissioner Rutledge further commented that he felt the process had been rushed.

ACTION: By motion made, seconded (Smith/Ramsey), with Commissioners Smith, Ramsey, and Easley voting AYE and Commissioners Rutledge and Cornelius voting NO, for a 3-2 vote, the Commission continued General Plan Amendment 04-002, Zone Amendment 04-003, and Use Permit 05-006 (Shasta Regional Auto Mall) to a special Planning Commission meeting to be held on February 21, 2007 at 6:00 p.m.

ADJOURNMENT: The Planning Commission adjourned at 2:46 p.m.

Submitted by:

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Dawn Duckett, Staff Services Manager
Recording Secretary