SHASTA COUNTY
PLANNING COMMISSION

MINUTES **Regular Meeting**

Date: February 8, 2007
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL **Commissioners**

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

Staff Present:
Mike Ralston, Assistant County Counsel
Bill Walker, Senior Planner
Lio Salazar, Associate Planner
Bridget Caputo, 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), De Minimis Finding of Significance (DM).

CONFLICT OF INTEREST DECLARATIONS: None.

OPEN TIME: No Speakers.

APPROVAL OF MINUTES: By motion made, seconded (Smith/Rutledge), the Commission approved the minutes of January 11, 2007, as submitted.

ITEMS REMOVED FROM THE CONSENT AGENDA: Item C2 (Parcel Map 06-041) was placed on the Regular Agenda for discussion.

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

C1: **Parcel Map 04-016 (Waddell) Extension of Time**: By Resolution 2007-007, approved an extension of time for a two-parcel land division of approximately 16.68 acres. The project is located in the Inwood area adjacent to the west side of Inwood Road approximately 1.7 miles northeast of its intersection with State Highway 44. Staff Planner: Caputo. District 5. CEQA: N/A.

C3: **Parcel Map 04-048 (Sellers) Extension of Time**: By Resolution 2007-009, approved an extension of time for a previously approved two-parcel land division of approximately 5.5 acres. The project is located in the Happy Valley area on the west side of Oak Street approximately one-tenth of a mile north of its intersection with Cloverdale Road. Staff Planner: Salazar. District 2. CEQA: N/A.

C4: **Tract Map 1947 (Zaech)**: By Resolution 2007-010, approved a division of a 71.6-acre parcel resulting in a 10-acre parcel and a 61.6-acre remainder parcel. The project is located in the Palo Cedro area on the northeast side of Willoa Lane at its intersection with Silver Bridge Road. Lozier. Districts 3 & 5. CEQA: ND/DM.

PUBLIC HEARINGS:

C2: **Parcel Map 06-041 (Ehn)**: South Redding area. The project is located in the South Redding area at the north end of Family Circle Drive less than one-tenth of a mile from its intersection with Sunset Lane. The applicant has requested a two-parcel land division for a separation existing facilities on a 2.95-acre parcel. Staff Planner: Caputo. District 5.

Associate Planner Bridget Caputo presented the staff report. The public hearing was opened and Charles Ehn, the applicant, spoke in favor of the project. James Bettes, representing the applicant discussed Conditions 9 and 10 stating that the 100-foot setback for defensible space requirement listed in the conditions would prevent future building on the smaller parcel and requested that the conditions be modified. There being no other speakers, for or against the project, the public hearing was closed.

Jim Diehl advised the Commission that the 100-foot setback was a recommendation or an advisory note for fire safety and not a requirement. Commissioner Smith stated that the applicant had the choice between approval of the project with the conditions as written or a continuance of the project for revisions to the conditions. Mike Ralston stated that the conditions were satisfactory as written because the 100-foot setback was merely an advisory. Commissioner Rutledge asked that the public hearing be re-opened to determine if the applicant preferred that the project be continued to allow time to negotiate revisions to the conditions.

The public hearing was re-opened and Ed Pearson, representing the applicant, requested that Condition 9 be revised to exclude the 100-foot setback.

ACTION C2: By motion made, seconded (Rutledge/Smith), with Commissioners Rutledge, Smith, Easley, and Ramsey voting AYE and Commissioner Cornelius voting NO for a 4-1 vote, the Commission continued Parcel Map 06-041 to the Planning Commission meeting of March 8, 2007.

R1: **Zone Amendment 06-049 and Parcel Map 05-077 (Rickel)**: The project is located in the Bella Vista area on a 19.4-acre parcel located between the southeast corner of the intersection of State Route 299 East and River Oaks Place and adjacent to River Hills Drive on the east. The applicants have requested approval of a Zone Amendment from the existing Rural Residential combined with a Minimum Lot Area (R-R-BSM) to Rural Residential combined with a Minimum Lot Area (R-R-BSM) consistent with a proposed 3-parcel land division resulting in a 7.3-acre parcel, 7.4-acre parcel, and a 4.7-acre parcel. Staff Planner: Lozier. District 3.

Associate Planner Bridget Caputo presented the staff report. The public hearing was opened and Vicky Gibson-Eggan, representing the applicant, spoke in favor of the project stating that the conditions of approval were satisfactory. There being no other speakers for or against the project, the public hearing was closed.

ACTION: By motion made, seconded (Smith/Rutledge), and carried unanimously, by Resolution 2007-011, 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 06-049, based on the findings and subject to the condition listed in the Resolution, and by Resolution 2007-012, adopted a CEQA determination of a Mitigated Negative Declaration and approved Parcel Map 05-077, based on the findings and subject to the conditions listed in the Resolution.

R2: **Parcel Map 06-040 (Ward)**: The project is located in the Cottonwood area on two parcels totaling approximately 915 acres on the north side of Gas Point Road at its intersection with Two Feathers Road. The applicant requests a merger and re-subdivision of the two parcels, resulting in two 5-acre parcels and a remainder. Staff Planner: Salazar. District 5.

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

ACTION: By motion made, seconded (Ramsey/Easley), and carried unanimously, by Resolution 2007-013, the Commission adopted a CEQA determination of a Mitigated Negative Declaration with a De Minimis Finding of Significance, and approved Parcel Map 06-040, based on the findings and subject to the conditions listed in the Resolution.

R3: **Use Permit 06-023 (Faubion)**: The project is located in the Mountain Gate area on a 2.5-acre parcel at the terminus of Antonio Drive approximately one-tenth of a mile north of its intersection with Union School Road. The request is for a commercial dog kennel to house 20 to 85 dogs. Staff Planner: Salazar. District 4.

Associate Planner Lio Salazar presented the staff report and directed the Commission's attention to a memorandum containing several letters received by the Planning Division subsequent to the preparation of the written staff report. Planner Salazar advised the Commission that the applicant had requested a continuance and that the Planning Division was not opposed to continuing the project because the current number of dogs present at the site does not require a use permit.

The public hearing was opened and Amy Faubion, the applicant, spoke in favor of the project. Ms. Faubion provided a detailed history of the hobby-kennel operation and described the efforts taken to get the number of dogs down to a number compliant with the County codes. She asked the Commission to continue the project so that she could revise the scope of the project. Ms. Faubion told the Commission that she intended to reduce the number of adult dogs requested to 20 breeder stock, and that the 20 dogs would be surgically de-barked to mitigate noise. She also told the Commission that the dogs would be closely monitored while outside and that the dogs would be and are well cared for and well-groomed.

Mayra Morris, from Shasta County Animal Regulation testified that Animal Regulation became aware of the kennel operation in response to complaints received by the agency. Ms. Morris indicated that Animal Regulation visited the site, issued a citation for excessive amounts of animals, and the applicant was advised at that time to contact the Planning Division for structure requirements.

Speaking in opposition to the project were:

Speaker's Name	***Issue/Comment/Concern***
Janie Hopper	Three letters of opposition were distributed to the Commission by Ms. Hopper, President of Rescue Animal Coalition. Ms. Hopper said 20 breeding dogs could produce 144 puppies per year. She stated concerns regarding water contamination from feces and advised the Commission that she had personal knowledge that two dogs rescued from the site tested positive for heart worm. Ms. Hopper said that the de-barking procedure is not always effective and is considered inhumane. Ms. Hopper voiced concerns regarding the possibility that the applicant would be unable to sell all puppies produced at the site and the costs to the County should those puppies be placed with shelters and rescue agencies.

Sandy Shelby	Ms. Shelby, executive Director of Another Chance Animal Welfare League advised the Commission that her agency took15-16 dogs from the project site during the time that the applicant was reducing the number of animals in order to comply with Shasta County codes. Ms. Shelby described her visit to the site saying that the noise was "deafening" and stated that the cage sizes were inhumane. She advised the Commission that 25% of animals housed in shelters are pure-bred and many of them are euthanized.
Laura Rathe	Ms. Rathe (Pets Without Partners) agreed with the previous speakers and stated opposition.
Mark Havsgaard	Mr. Havsgaard (neighbor) stated that he has been unable to rent his house due to the noise from the puppies. He added that the topography creates an amphitheater and sound is amplified. Mr. Havsgaard also voiced concerns regarding soil and water contamination due to feces.
Cynthia Havsgaard	Mrs. Havsgaard agreed with the previous speakers. She voiced concerns regarding noise and contamination.
Lee Sherman	Mr. Sherman stated that he observed over 100 dogs at the site in January and opined that the cage sizes he observed were too small. He voiced concerns regarding noise and contamination due to feces.
Curt Espenschied	Mr. Espenschied (neighbor) agreed with the previous speakers and voiced general opposition. He opined that one person can not effectively care for the number of animals being requested in the permit application.
Deanna McCortney	Ms. McCortney (neighbor) agreed with the previous speakers and described the runoff from the project site.
Gayle Martinez	Ms. Martinez (neighbor) agreed with the previous speakers and stated general opposition to the project.
Martha Wagner	Ms. Wagner (neighbor) voiced concerns regarding noise stating that she is unable to entertain outdoors due to the barking.
Michael Tighe	Mr. Tighe agreed with the previous speakers and voiced concerns regarding the potential negative impact to property values in the area.
Karin King	Ms. King stated general opposition and agreed with the previous speakers.

Roberta Wilder	Ms. Wilder agreed with the previous speakers.
Joel Warner	Mr. Warner, President & CEO of Haven Humane Society, stated that between his organization and Animal Regulation, annually, more than 13,000 animals are placed in the two shelters at a cost of approximately $1,000 per animal. He recommended a set of standards for all animal facilities built in the County.
Chic Miller	Ms. Miller voiced opposition stating that many puppies are euthanized in shelters each year.
Phil Watkins	Mr. Watkins stated that although he is not an adjacent property owner, he has heard noise at the site. He asked the Commission to deny the request for a continuance and deny the project.

Ms. Faubion provided rebuttal remarks stating that all feces are put into trash bags and refuted the neighbors' claims of contaminated runoff coming from the site. Regarding cage sizes, Ms. Faubion stated that the cages are appropriate for the size of the animals and are not inhumane. Ms. Faubion stated that Ms. Hopper had never been to her site. She added that when Animal Regulation visited the site in January 2006, they did not remove any animals due to lack of appropriate care. Ms. Faubion stated that she has not received any complaints from neighbors regarding noise.

There being no other speakers for or against the project, the public hearing was closed.

ACTION R3: By motion made, seconded (Rutledge/Smith), and carried unanimously, by Resolution 2007-014, the Commission denied Use Permit 06-023 based on the findings listed in the Resolution.

R4: **Use Permit 06-034 (Anselmo/Seven Hills Land & Cattle Company)**: The project is located in the Inwood area on a 435-acre parcel on the north side of Inwood Road approximately one mile east of its intersection with State Highway 44. The request is for a Use Permit to allow guided horseback tours of the existing ranch and allow for the establishment of a wine tasting room in conjunction with the existing vineyard and winery. The proposal includes on-site retail sales of the wine produced on the premises along with food service of pre-packaged foods. Staff Planner: Caputo. District 5.

Associate Planner Bridget Caputo presented the staff report. A memorandum was distributed to the Commission recommending that Condition 50 be deleted and Condition 49 be revised. The public hearing was opened and the applicant, Reverge Anselmo 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 (Easley/Ramsey), and carried unanimously, by Resolution 2007-015, the Commission adopted a CEQA determination of a Negative Declaration with a De Minimis Finding of Significance, and approved Use Permit 06-034, based on the findings and subject to the conditions, as amended, listed in the Resolution.

ADJOURNMENT: The Planning Commission adjourned at 4:17 p.m.

Submitted by:

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Dawn Duckett, Staff Services Manager
Recording Secretary