

SHASTA COUNTY PLANNING COMMISSION

MINUTES

Special Meeting

Date: March 22, 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
Jim Smith, Environmental Health Division Manager
Jim Diehl, Shasta County Fire Department
Patrick Minturn, Director of Public Works
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: Commissioner Easley disclosed that in the summer of 2006, she toured the subject property and in the fall of 2006, she was asked to sign a petition regarding the project. Both events took place prior to Ms. Easley being appointed to the Planning Commission.

OPEN TIME: No speakers.

PUBLIC HEARING:

R1: Use Permit 05-010 and Reclamation Plan 05-001 (Shasta Ranch Mining and Reclamation Plan): The project is located near the Sacramento River, northeast of Balls Ferry Road, between Riverland Drive and Blue Jay Road approximately 2.5 miles southeast of the City of Anderson. Access to the project site is gained from Balls Ferry Road by way

of a private road located approximately 100 yards northwest of the Balls Ferry Road and Kimberly Road intersection. The project site is located in the following Shasta County Assessor's Parcels: 091-040-002, 091-050-002 and 091-080-002 (Section 53, 55, 56, 59, 60 of the P. B. Reading Grant).

The proposed project is a request for approval for a Use Permit (UP 05-010) and Reclamation Plan (RP 05-001) to mine alluvial sand and gravel near the Sacramento River. The project site encompasses approximately 947 acres, of which 268 acres will be mined for aggregate material. The mined aggregate (gravel) would be crushed, screened, washed, stockpiled, and loaded for off-site transport. Approximately 3.43 million cubic yards of overburden and 6.06 million cubic yards of soil and gravel would be excavated. The project would generate an average of 60 truck round-trips, and a maximum of 120 truck round-trips, per day. The project would operate for approximately 30 years until the year 2037. There are three phases, and each phase would operate for 8 to 10 years. Upon completion of all mining activities, the areas of disturbance would be reclaimed to agricultural farmland, ponds, and open space. Staff Planner: Walker.

Senior Planner Bill Walker presented the staff report and distributed an email from Tehama County Department of Public Works requesting that the applicant pay for the construction of improvements at the Bowman Road/Draper Road intersection. Mark Teague, from Pacific Municipal Consultants (Environmental Impact Report (EIR) Consultant), made a Power Point presentation highlighting the key points of the EIR such as time lines, environmental impacts, and thresholds used to determine those impacts. Mr. Teague told the Commission that 512 public comment letters had been received and responded to in the Final EIR and explained that as a result of the comments received, nine mitigation measures were modified. Mr. Teague added that no new impacts were identified in the public comments that weren't already addressed in the EIR.

Patrick Minturn, Director of Shasta County Department of Public Works made a presentation regarding traffic engineering analysis of the affected portion of Balls Ferry Road. Mr. Minturn displayed several photographs of trucks maneuvering through Balls Ferry Road and concluded that the road is adequate to safely accommodate the projected traffic for the project.

The public hearing was opened and speaking in support of the project were:

<i>Speaker's Name</i>	<i>Comment/Issue/Concern</i>
Lyle Tullis	Mr. Tullis, the applicant, spoke in favor of the project stating that a very large deposit of high-quality aggregate was located on the site.
Frank Sawyer	Mr. Sawyer, representing the applicant said that all wetlands and riparian habitat were avoided and the plan included fish-exclusion levees.

Wendy Johnston	Ms. Johnston (Vestra Resources) discussed the issues pertaining to dioxin levels at the site and explained the components of dioxin. She informed the Commission that by 1990, testing at the site revealed that the levels of dioxin were non-detectable according to EPA standards. Ms. Johnston went on to say that in 1996, the EPA performed an expanded assessment and found that the site did not qualify for further assessment and officially archived the site.
Kent Dagg	Mr. Dagg (CEO, Shasta Builders' Exchange (SBE)) told the Commission that the SBE hired a consultant to review the Draft EIR. He explained that based on the findings by the hired consultant, the SBE's Board of Directors voted unanimously to support the project. Mr. Dagg also suggested that the County perform a long-range study to identify the location of the next large deposit of aggregate.
Eric Sargent	Mr. Sargent, representing the Operating Engineers' Union discussed the employment opportunities and employee benefits offered by Tullis, Inc.
Michelle Millette	Ms. Millette (Director, Caltrans - District 2) stated that Caltrans agreed with the traffic conclusions made in the EIR and the traffic mitigation measures for the project were acceptable. Ms. Millette said that aggregate was needed for highway projects, infrastructure, and the construction of homes.
Nancy Milton	Dr. Milton (United States Geological Survey) discussed the many uses of aggregate and asked that the Commission base their decision on what is good for all citizens.

Speaking in opposition to the project were:

<i>Speaker's Name</i>	<i>Comment/Issue/Concern</i>
Karen Bither	Ms. Bither read aloud an article from the Shasta College newspaper regarding a disabled student.
Colette Bither	Ms. Bither expressed opposition and concerns regarding health risks and air quality.
Caleen Sisk-Franco	Ms. Sisk-Franco (Winnemem-Wintu Tribe) stated that the SB18 consultation process had not occurred for the project and the quarry could destroy artifacts and sacred places and have negative impacts to the salmon. Ms. Sisk-Franco also requested that the tribes be provided hard copies of all EIRs.

James Hayward Mr. Hayward (Redding Rancheria) stated that many sacred sites were not recorded and that the SB18 consultation process had not taken place.

Joann Moore Ms. Moore (Shasta County Citizens for a Healthy Environment) stated that the EIR did not adequately address: ancillary sites, reasonable range of alternatives, energy conservation, water supply, and agricultural impacts. She suggested a conveyor-belt system as an alternative to trucks hauling aggregate away from the site.

Vicky Harris Ms. Harris stated that more time was needed to consider the project and that the California Department of Fish and Game ownership in the land remains in question. She also said that the Bureau of Reclamation permitting process for the levees had not been completed and that there are sufficient mines for alluvial sand and gravel.

Ken Behnke Mr. Behnke stated that toxic effluents and sludge from the former paper mill would contaminate the rock mined at the site. He alleged that testing for toxins only encompassed the topsoil and also discussed concerns regarding traffic.

Jeff Smith Mr. Smith discussed traffic concerns and displayed photographs. He asked that a Use Permit condition be added to prohibit truck traffic during the hours that school busses are running. Mr. Smith also suggested a conveyor-belt system be considered as an alternative to trucks.

Lori Gifford Ms. Gifford voiced concerns regarding the quality of life, safety, water quality, dust, noise, and contamination.

Ed Dawson Mr. Dawson discussed contamination, effects on wildlife, traffic, and the need to consider alternative sites.

Kathy Valles Ms. Valles discussed traffic concerns and displayed photographs of existing traffic conditions in the area.

RECESS: The Commission adjourned for a recess at 4:00 p.m.

RECONVENE: The Commission reconvened at 4:12 p.m.

Speaking in opposition to the project were:

<u><i>Speaker's Name</i></u>	<u><i>Comment/Issue/Concern</i></u>
Gail Mellow	Ms. Mellow discussed dioxin and stated that she disagreed with the legal standard and that the medical standard states that there is no threshold that is safe.
Rosemary Reeves	Ms. Reeves stated concerns regarding toxins and requested that the project be denied.
Earl Allen Boek	Mr. Boek stated concerns regarding the effects on wildlife, toxins, and property values.
Elaine Rutkowski	Ms. Rutkowski stated that during the 1996 EPA assessment, the property was fenced and heavily vegetated. She also discussed concerns regarding traffic and emissions from diesel fuel.
Elaine Bloxham	Ms. Bloxham voiced concerns regarding dust, soot, noise, air quality and possible poisoning of fish in the river.
Jeff Smith	Mr. Smith continued his discussion of the traffic issues and displayed articles from the internet regarding traffic accidents. He suggested lowering speed limits in the project area and additional law enforcement personnel to monitor vehicle speed on the road.
Kathy Valles	Ms. Valles continued her discussion regarding traffic, displayed additional photos, and discussed health risks from vehicle emissions.
Vicky Harris	Ms. Harris continued her discussion of alternative sites for alluvial sand and gravel. She also stated that assurance bonds are necessary in case of failure of the levees and voiced concerns regarding groundwater and the effects on wildlife.
Robert Brannon	Mr. Brannon stated concerns regarding noise, air quality, and traffic. He recommended that trucks be required to have tarps and that only single trucks (rather than bob-tail type) be allowed to haul gravel from the site.
Joann Moore	Ms. Moore continued her testimony stating concerns regarding global warming and greenhouse gas emissions. She stated that the EIR did not adequately describe or address: Materials to be used to reclaim Phase 1 of the

project; Effects on the River; Water Resources and contamination of wells; and the effects on Anderson Creek.

- Lisa Coe Ms. Coe described noise, wind, dust, and traffic conditions near other existing gravel plants in California.
- Marsha Behnke Mrs. Behnke voiced opposition and concerns regarding dioxin and unresolved issues relating to the ownership of the land.
- Gail Mellow Ms. Mellow continued her discussion regarding dioxin.
- Elaine Rutkowski Ms. Rutkowski continued her testimony with discussion of traffic, safety, emissions and associated health risks.
- Kathy Valles Ms. Valles continued her discussion regarding traffic and stated concerns regarding health issues (respiratory disease and cancer).
- Jeff Smith Mr. Smith displayed a graphic of a conveyor-belt system.
- Joann Moore Ms. Moore stated that agriculture, soil impacts, and Native American affairs need to be further addressed. She asked that the project be either denied or referred back to the Planning Division for additional studies.
- Curtis Brown Mr. Brown stated that a gravel operation can be conducted safely.
- Gail Mellow Ms. Mellow continued her discussion on dioxin.
- Charlane Epperly Ms. Epperly asked for clarification regarding the number of trenches.
- Jeff Carr Mr. Carr discussed potential health risks and/or death caused by contamination from dioxin.
- Lisa Coe Ms. Coe stated concerns regarding the potential for birth defects caused by contamination by dioxin.
- Gail Mellow Ms. Mello continued her discussion and stated concerns regarding the loss of farmland.
- Steve Mintz Mr. Mintz suggested a Use Permit condition to limit the hours of operation and also a condition to require sprayers to mitigate dust.

Robert Moore	Mr. Moore asked that the project be sent back to the Planning Division for further analysis.
Susan McGrath	Ms. McGrath stated that the project does not benefit the impacted community and voiced concerns regarding traffic, noise, and air quality.
Jerry Winthrop	Mr. Winthrop discussed the significant and unavoidable impacts to air quality and noise levels.
Kathy Callan	Ms. Callan stated that she is opposed to the location of the gravel plant and voiced concerns regarding dioxin and toxic waste at the site.
Louise Zimmerman	Ms. Zimmerman discussed the need for regional planning and concerns regarding dioxin.
Kathy Valles	Ms. Valles stated that she submitted a written comment at the scoping meeting and that the letter was not addressed in the EIR. She also discussed concerns regarding vibrations from the gravel plant, evaporation of the ponds, mosquito abatement and west-nile virus.
Gail Mellow	Ms. Mellow concluded her discussion on dioxin and displayed photographs of the area. She stated that the soil value was misrepresented in the EIR as being non-prime farmland. Ms. Mellow also discussed particulate matter and cancer risks. She concluded by reading from the Statement of Overriding Considerations and asked that the project be denied.
Steve Mintz	Mr. Mintz asked that the Commission not allow the mining of Phase 3 of the project.

RECESS: The Commission adjourned for a recess at 5:55 p.m.

RECONVENE: The Commission reconvened at 6:07 p.m.

Lyle Tullis offered the following rebuttal remarks: 1) Land title issues will be resolved and are not part of the CEQA process; 2) Digging will not occur in the trenches that once contained toxins; 3) Extensive water testing has been performed at the site and the Regional Water Quality Control Board has accepted the water tests on Phase 1 and Phase 2; 4) A conveyor-belt system would not be a practical solution for transportation because Tullis Inc., does not own the property along the transportation route; 5) Wildlife exists on the property; 6) Traffic studies indicate that the roads are sufficient to handle the proposed truck traffic; 7) Extensive testing has been performed on the site for the presence of dioxin. The testing did not reveal unacceptable levels of dioxin; 8) The gravel operation will use two ponds containing reclaimed water to wash rocks; 9) Phase 1 of the project is gravel and does

not contain soil; 10) Tullis Inc., has the ability to direct and re-direct the routes for the gravel trucks.

Commissioner Rutledge asked for clarification regarding the SB18 process for the project. Kate Hart (attorney from Abbott & Kinderman) responded that SB18 requirements only apply if the General Plan is being amended and since this project did not include a General Plan amendment, the project would not be subject to SB18. Russ Mull told the Commission that the Planning Division had scheduled a meeting with the Native American groups to discuss their concerns regarding this project as well as other projects.

Wendy Johnston discussed the dioxin issue, telling the Commission that testing at the site revealed that levels of the toxin found were below EPA standards for dioxin. There being no other speakers for or against the project, the public hearing was closed.

Russ Mull recommended that the Commission continue the project to a future date to allow additional time for revisions to the mitigation measures for traffic and utilities. Mr. Mull told the Commission that should they decide to continue the project, revisions to the EIR would be re-circulated and a new public hearing should be held to discuss only issues pertaining to traffic and utilities.

ACTION: By motion made, seconded (Rutledge/Ramsey), and unanimously carried, the Commission continued Use Permit 05-010 and Reclamation Plan 05-001 to the May 10, 2007, Planning Commission meeting at which time the public hearing would be re-opened to only those issues relating to traffic and utilities.

ADJOURNMENT: The Planning Commission adjourned at 6:41 p.m.

Submitted by:

Dawn Duckett, Staff Services Manager
Recording Secretary