SHASTA COUNTY
PLANNING COMMISSION

MINUTES **Regular Meeting**

Date: May 10, 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
	Shirley Easley	District 5
Commissioners Absent:	Roy Ramsey	District 4

Staff Present:
Russ Mull, Director of Resource Management
Rick Simon, Assistant Director of Resource Management
Mike Ralston, Assistant County Counsel
Bill Walker, Senior Planner
Lisa Lozier, Senior Planner
Lio Salazar, Associate Planner
Bridget Dirks, Associate Planner
Mark Cramer, Senior Environmental Health Specialist
Al Cathey, Public Works/Subdivision Engineer
Dawn Duckett, Staff Services Manager, Recording Secretary
Diane Graham, Typist Clerk III

Note: **All unanimous actions reflect a 4-0 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 Rutledge declared that he would recuse himself from voting on Item C1 (Use Permit 51-88B Sierra Pacific) for the reasons stated at the April 12, 2007, Planning Commission meeting.

OPEN TIME: No speakers.

APPROVAL OF MINUTES:

By motion made, seconded (Easley/Rutledge), and carried unanimously, the Commission approved the minutes of February 21, 2007, as submitted.

By motion made, seconded (Rutledge/Easley), and carried unanimously, the Commission approved the minutes of March 22, 2007, as submitted.

By motion made, seconded (Easley/Rutledge), and carried unanimously, the Commission approved the minutes of April 12, 2007, as submitted.

CONSENT ITEMS:

By motion made, seconded (Smith/Easley), and carried unanimously (with the exception of the approval for Item C1 Use Permit 51-88B, which Commissioner Rutledge recused himself from the vote), the Commission continued Item C2 (Parcel Map 06-071 Chuck) to the June 14, 2007, Planning Commission meeting and approved the following Consent Items:

C1: **Use Permit 51-88B (Sierra Pacific Industries)** ***Continued from March 8, 2007, and April 12, 2007***: By Resolution 2007-038, approved an amendment to Use Permit 51-88, to accurately reflect all existing uses on the property. Over the last 20 years, Sierra Pacific Industries has obtained several Use Permits to approve multiple lumber-related activities on the site. The purpose for this Use Permit is to consolidate the previous Use Permits into one all-inclusive document for uses and structures on the lumber mill site. The project is located in the Anderson area on a 121.39-acre parcel at the end of Riverside Avenue, five-tenths of a mile west of the Interstate 5 Interchange. No new uses are being proposed. Staff Planner: Lozier. District 5. CEQA: CE.

C3: **Parcel Map 06-042 (Churchin)**: By Resolution 2007-040, approved a two- parcel land division to separate existing facilities on approximately 10.29 acres, resulting in a 5.29-acre parcel and a 5-acre parcel. The project site is located in the Anderson area adjacent to the northwest side of Lone Tree Road, approximately six-tenths of a mile northeast of its intersection with Panorama Point Road. Staff Planner: Lozier. District 5. CEQA: CE.

PUBLIC HEARINGS:

R1: **Use Permit 05-010 & Reclamation Plan 05-001 (Shasta Ranch)** ***Continued from March 22, 2007***: 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 recommended that the project be continued to May 31, 2007, when all Planning Commissioners would be present and the CEQA notification process would be complete. The public hearing was opened and Joann Moore spoke in favor of continuing the project to May 31, 2007, and stated that the legal notice for the May 10, 2007, meeting failed to state the date and time of the hearing. There being no other speakers, the public hearing was closed.

ACTION R1: By motion made, seconded (Easley/Rutledge), and carried unanimously, the Commission continued Use Permit 05-010 & Reclamation Plan 05-001 to May 31, 2007, at which time the public hearing will be re-opened to only those issues relating to traffic and utilities.

R2: **Variance 07-003 (Daniels)**: The project is located in the North Redding area on a 2.22-acre parcel on the east side of Los Osos Street approximately one-tenth of a mile north of its intersection with Portero Drive. The request is for a Variance from Section 17.26.060.B.2, of the Shasta County Zoning Plan and Shasta County Fire Department Exception 07-31 (requires a 4/5 vote) which requires a side-yard setback of thirty feet. Staff Planner: Dirks. District 4.

Associate Planner Bridget Dirks presented the staff report. The public hearing was opened and the applicant, John Daniels 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 (Smith/Rutledge), and carried unanimously, by Resolution 2007-041, the Commission approved Shasta County Fire Department Exception 07-031 to allow a reduced north side-yard setback of 10 feet and a south side-yard setback of 20 feet, found the project Categorically Exempt from the requirements of CEQA, and approved Variance 07-003, based on the findings and subject to the conditions listed in the Resolution.

R3: **Zone Amendment 06-039 & Parcel Map 06-067 (Youmans)**: The project is located in the Happy Valley area within the Clear Creek Community Services District; located adjacent to the north side of Hawthorne Avenue having approximately 1,374 feet of frontage along Hawthorne Avenue starting approximately 643 feet west of Happy Valley Road. The proposal is a Zone Amendment to rezone 19.69 acres from the Limited Agricultural with a Mobile Home (A-1-T) zone district to a Rural Residential (R-R) zone district in conjunction with a three-parcel land division of 8.07 acres. The resultant parcels include a 2.22-acre parcel, a 3.56-acre parcel, and a 2.29-acre parcel. Staff Planner: Dirks. District 2.

Associate Planner Bridget Dirks presented the staff report and a memo was distributed containing revisions to Conditions 9 and 10 for the project. The public hearing was opened and there being no speakers for or against the project, the public hearing was closed.

ACTION: By motion made, seconded (Rutledge/Easley), and carried unanimously, by Resolution 2007-042, 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 06-039, based on the findings and subject to the condition listed in the Resolution, and by Resolution 2007-043, adopted a CEQA determination of a Negative Declaration and approved Parcel Map 06-067, based on the findings and subject to the conditions, as amended, listed in the Resolution.

R4: **Parcel Map 06-059 (Boontjer)**: The project site is located in the Bella Vista area adjacent to the southeast side of Old Alturas Road approximately three-tenths of a mile northeast of Seven Lakes Lane. The request is for a three-parcel land division of 29.93 acres resulting in a 3-acre parcel, a 7.96-acre parcel, and an 18.97-acre parcel. Staff Planner: Lozier. District 3.

Senior Planner Lisa Lozier 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 were acceptable to the applicant. 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 2007-044, the Commission adopted a CEQA determination of a Mitigated Negative Declaration and approved Parcel Map 06-059, based on the findings and subject to the conditions listed in the Resolution.

R5: **Zone Amendment 07-008 (Ratcliffe)**: The parcel is located in the Ono area on the east and west sides of Rainbow Lake Road, approximately 4.2 miles north of its intersection with Platina Road. The proposal is for a Zone Amendment from the Unclassified (U) zone district to the Timber Production (TP) zone district for approximately 160 acres comprised of a single parcel identified as Assessor's Parcel Numbers 041-280-019 and 041-040-007. Staff Planner: Salazar. District 2.

Associate Planner Lio Salazar presented the staff report. The public hearing was opened and there being no speakers for or against the project, the public hearing was closed.

ACTION: By motion made, seconded (Rutledge/Easley), and carried unanimously, by Resolution 2007-045, the Commission recommended that the Board of Supervisors find the project Statutorily Exempt from the requirements of CEQA and approve Zone Amendment 07-008, based on the findings and subject to the condition listed in the Resolution.

R6: **Use Permit 06-038, Reclamation Plan 06-001, and Use Permit 06-031 (Schmitt)** ***Continued from April 12, 2007***: The property is located in the Anderson area on a 78.98-acre parcel on the east side of Eastside Road approximately two-tenths of a mile southeast of its intersection with Latona Road. The request is for approval of a gravel extraction and processing operation to remove approximately 1,700,000 tons of sand, gravel, cobble, and

loam over an approximately 15-year period; a caretaker's residence and a shop building, and a plan to reclaim the excavated areas as two small lakes. The applicant also requests, as part of the reclamation plan, approval to use the lakes as an expansion of a previously-approved wakeboard and water-ski park on the parcel adjacent to and south of the project site. Staff Planner: Salazar. District 5.

Associate Planner Lio Salazar presented the staff report. A memo was distributed recommending revisions to Conditions 46 and 47 for Use Permit 06-038, and the addition of Conditions 41 through 51 (Shasta County Fire Department) for Use Permit 06-031. The public hearing was opened and Jeff Souza, representing the applicant, spoke in favor of the project stating that the conditions 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 (Rutledge/Smith), and carried unanimously, by Resolution 2007-046, the Commission adopted a CEQA determination of a Mitigated Negative Declaration and approved Use Permit 06-038, based on the findings and subject to the conditions, as amended, listed in the Resolution, and by Resolution 2007-047, the Commission adopted a CEQA determination of a Mitigated Negative Declaration and approved Reclamation Plan 06-001, based on the findings and subject to the conditions listed in the Resolution, and by Resolution 2007-048, the Commission adopted a CEQA determination of a Mitigated Negative Declaration and approved Use Permit 06-031, based on the findings and subject to the conditions, as amended, listed in the Resolution.

R7: **Use Permit 99-82A (Shasta Christian Youth)** ***Continued from March 8, 2007, and April 12, 2007***: The property is located in the Shingletown area on a 50-acre parcel at the intersection of Long Hay Flat Road and Arrowhead Road. The request is for an expansion of existing recreational camp facilities. The expansion would include cabins to accommodate an additional 132 overnight guests, a caretaker's residence, five RV hook-ups, a conference hall, an indoor swimming pool, volleyball court, outdoor family camping area, and storage building. The conference hall will have an occupancy of approximately 300 persons. The improvements would be carried out over an estimated 15 to 20 years. Staff Planner: Salazar. District 5.

Associate Planner Lio Salazar presented the staff report. A memo was distributed containing several public comment letters that were received by the Planning Division after the staff report was published. In response to a question from Commissioner Easley, Al Cathey, Subdivision Engineer/Shasta County Department of Public Works, informed the Commission that Long Hay Flat Road is maintained by the County on a complaint basis and is kept to an acceptable standard for access to parcels used primarily for recreation. He added that there is no adopted speed limit for the road. The public hearing was opened and Larry Kepple spoke in favor of the project. Mr. Kepple read aloud a prepared written statement containing a history of the camp and stating the benefits provided to the community by the camp. He stated that the conditions of approval for the project were acceptable and advised the Commission that the camp administrators would remind and encourage campers to abide by the suggested 15-mile-per-hour speed limit on Long Hay Flat Road.

Speaking in opposition to the project were:

Speaker's Name	***Comments/Concerns***
Rhonda Hull	Ms. Hull stated that the road is too narrow to accommodate traffic in the case of an evacuation for a forest fire. She also voiced concerns regarding unsafe traffic speeds.
Everett Thebault	Mr. Thebault discussed road conditions (the road being too narrow), traffic, and speeding.
Shawn South	Ms. South voiced concerns regarding road conditions and stated that the camp's evacuation plan was flawed. She also discussed past incidents of vandalism to neighboring properties and noise issues related to the RV camping area. Ms. South suggested both evening and morning curfews to mitigate noise.
Steve Gerritsa	Mr. Gerritsa stated concerns regarding the camp's sewage disposal system being located in close proximity to Bailey Creek. He also discussed issues related to road conditions and noise.

Larry Kepple responded to questions from the Commission regarding the location of leach fields and made rebuttal remarks stating that road widening could lead to more speeding, however, the camp was willing to participate in paying their fair share of costs for future road improvements. He went on to say that the camp will emphasize car pooling and will not allow generators in the RV camping area. There being no other speakers for or against the project, the public hearing was closed.

ACTION R7: By motion made, seconded (Easley/Smith), and carried unanimously, by Resolution 2007-049, the Commission adopted a CEQA determination of a Mitigated Negative Declaration and approved Use Permit 99-82A, based on the findings and subject to the conditions listed in the Resolution.

R8: **Brown Act Finding for the Planning Commission Meeting of March 22, 2007**: In response to a claim of a violation of the Brown Act at the March 22, 2007, Planning Commission Meeting, the Planning Commission will review the events of that meeting and consider what action to take in response to the complaint.

Mike Ralston, Assistant County Counsel, explained that the County had received a complaint by attorney Jason Flanders, representing Shasta County Citizens for a Healthy Environment alleging that a Brown Act violation had occurred at the Planning Commission meeting on March 22, 2007. The specific allegation was that because Planning Commissioners, staff, and the project proponent for the Shasta Ranch mining project all exited the Board chambers through the same door at the 4:00 p.m. break, discussions between the Commission and the project proponent took place outside of the public hearing process. Mr. Ralston reported that upon receiving the complaint from Mr. Flanders, the County conducted interviews with the Commissioners, and others involved, in order to investigate the allegations.

Mr. Ralston said that his personal recollection of that event was that Russ Mull, Director of Resource Management, Kate Hart (attorney hired by Shasta County), and the project proponent exited the Board chambers to discuss continuing the project, but that he was not aware that any of the Planning Commissioners were privy to that discussion. For the benefit of the audience, Mr. Ralston explained that the exit door which was used, leads to a hallway, the Board's caucus room, and public restrooms.

Mr. Ralston recommended that the Commissioners each declare, what, if any, involvement they had with discussions regarding the Shasta Ranch mining project outside of the public hearing process. Commissioner Smith stated he had no involvement in such discussions. Commissioner Rutledge stated he had no discussions. Commissioner Easley stated she was not involved in any such discussions. Commissioner Cornelius stated that he did not communicate with the project proponent during the break for that meeting, however, he was advised by Russ Mull that there was a request for a continuance of the project.

The public hearing was opened and Gail Mellow told the Commission that she was present at the hearing on March 22, 2007, and observed the project proponent, staff, and Commissioners exiting through the same door. She said that applicants should not be allowed in restricted areas because of the appearance of impropriety. She asked if the results of the interviews held during the County's investigation would be made public. Mike Ralston responded that because the interviews were privileged information between attorney and client(s), the results of the interviews would not be made public.

Joann Moore agreed with the previous speaker and asked if there would be any future changes to the County's procedures for public hearings. Mike Ralston responded by saying that in the future, the Board caucus room will no longer be available to staff. There being no other speakers, the public hearing was closed.

Mike Ralston recommended that each Commissioner indicate whether he or she was involved in any discussions with three or more Commissioners on March 22, 2007, regarding the Shasta Ranch mining project outside of the public hearing process. Commissioners Easley, Cornelius, Rutledge, and Smith all responded "no" to Mr. Ralston's question.

ACTION: By motion made, seconded (Rutledge/Easley), and carried unanimously, the Commission made a finding that no Brown Act violation occurred at the March 22, 2007, Planning Commission meeting and instructed County Counsel to notify the complainant of the Commission's finding.

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

Submitted by:

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Dawn Duckett, Staff Services Manager
Recording Secretary