SHASTA COUNTY
PLANNING COMMISSION

MINUTES **Regular Meeting**

Date: June 8, 2006
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL **Commissioners**

Present:		
	Jerry Smith, Chairman	District 2
	John Casolary, Vice-Chair	District 5
	John Cornelius	District 3
	Roy Ramsey	District 4
	David Rutledge	District 1

Staff Present:
Russ Mull, Director of Resource Management
Jim Smith, Environmental Health Division Manager
John Loomis, Senior Deputy County Counsel
Zach Bonnin, Senior Planner
Bill Walker, Senior Planner
Brandon Rogers, Associate Planner
Meri Meraz, Associate Planner
Lisa Lozier, Associate Planner
Bridget Caputo, Associate Planner
Jim Diehl, County Fire Dept./CDF
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).

OPENING COMMENTS: Chairman Smith called to order the June 8, 2006, Planning Commission hearing with Commissioner Ramsey leading the Pledge of Allegiance. Chairman Smith then announced that Assistant Director of Resource Management, Richard Barnum, had passed away in late May and called for a moment of silence in honor of Mr. Barnum.

CONFLICT OF INTEREST DECLARATIONS: None

OPEN TIME: No speakers.

APPROVAL OF MINUTES: By motion made, seconded (Casolary/Cornelius) and carried unanimously, the Commission approved the minutes of May 11, 2006, as submitted.

ITEMS REMOVED FROM THE CONSENT AGENDA:

C4 - Use Permit 06-010 (Weaver) was continued to the July 13, 2006, Planning Commission meeting.

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

C1: **Parcel Map 06-014 (Norton)**: By Resolution 2006-083, approved a two-parcel land division into 0.61-acre and 0.34-acre parcels. The project is located in the Cottonwood area on a 0.95-acre parcel on the south side of High Street less than one-tenth of a mile east of Brush Street. Staff Planner: Meraz. District 5. CEQA: ND/DM

C2: **Use Permit 06-007 (Stott Outdoor Advertising)**: By Resolution 2006-084, approved a 40-foot-tall, double-faced billboard, for an existing mini-storage. The project is located Anderson area on a 0.69-acre parcel one-tenth of a mile southeast of Jacqueline Street on Parallel Road. Staff Planner: Lozier. District 2. CEQA: MND/DM

C3: **Tract Map 1943 - *Previously Tract Map 1868* (Standiford)**: By Resolution 2006-085, re-approved Phase 2, Units 3 and 4 of the proposed 54-lot division of a 38.2-acre parcel, with a remainder, as the original map expired. The project is located in the Keswick area adjacent to the northeast side of the intersection of Keswick Dam Road and Roxanna Trail. Staff Planner: Bonnin. District 1. CEQA: MND

PUBLIC HEARINGS:

R1: **Zone Amendment 05-040 & Parcel Map 05-071 (Dill) *Continued from the May 11, 2006, Planning Commission meeting***: Millville area. The project is located adjacent to the south side of Whitmore Road at the Deer Canyon Road intersection. The request is for a Zone Amendment from the Rural Residential Building Minimum Acreage 5 acres (RR-BA5) to the Rural Residential Building Acreage Minimum 4 acres (RR-BA4) zone district; and to divide an 8.6-acre parcel into a 4.0-acre parcel and a 4.6-acre parcel. Staff Planner: Bonnin.

Senior Planner Zach Bonnin presented the staff report. The public hearing was opened and speaking in opposition to the project were:

R1 Cont'd	***Speaker's Name***	***Issues/Comments/Concerns***
	Aaron Williams	Discussed the Millville community's opposition to unwanted/unprotected growth.
	Bonnie Panabaker	Voiced concern that the current zoning, which helps maintain the country atmosphere of the Millville area, should be preserved.
	Joan Jardine	Concerned that the project, if approved, would set a precedent making further zoning changes and land divisions more likely. Ms. Jardine also stated she did not receive legal notice of the project. Commissioner Cornelius responded asking if her property was in the required 350-foot legal notification area, which it was not. Chairman Smith also stated that the legal notice is published in the Record Searchlight as well as individual notices. Deanna Dill spoke in rebuttal to the opposition stating that the project was in accord with the General Plan and that the opposition was a small percentage of the Millville community. Commissioner Smith allowed one more speaker in opposition after Mrs. Dill's rebuttal.
	Dave Hemp	Speaking in opposition of the zoning change and parcel size reduction to retain the rural atmosphere. Mrs. Dill spoke once again stating that they were not relocating, as was mentioned. Commissioner Cornelius asked if she had considered inquiring if a neighbor would be interested in purchasing part of the acreage by way of a property line adjustment, she responded that she had, and the neighbor declined. Commissioner Rutledge asked Planner Bonnin to clarify the different zone districts. Mr. Bonnin explained the flow of the two-acre to five-acre minimums and that the Dill project was right on the border and would be a logical progression. Commissioner Cornelius questioned the location of the leach lines to the creek, which the Environmental Health Division Manager, Jim Smith verified that the leach lines were at least the required 100 feet from the creek. Commissioner Casolary stated that he felt the current zoning in the Millville area was working and did not see a need for a change at this time. There being no other speakers for or against the project, the public hearing was closed.

ACTION 1 By motion made, seconded (Rutledge/Ramsey), with Commissioner Casolary casting a "no" vote, carried by 4/1, by Resolution 2006-086, the Commission recommended that Shasta County Board of Supervisors conduct a public hearing and adopt a CEQA determination of a Mitigated Negative Declaration and approve Zone Amendment 05-040, based on the recommended findings and subject to the condition listed in the Resolution, and by Resolution 2006-087, adopted a CEQA determination of a Mitigated Negative Declaration, and approved Parcel Map 05-071, based on the findings and subject to the conditions listed in the Resolution.

R2: **Zone Amendment 05-032 & Parcel Map 05-059 (Gardner)** ***Continued from the May 11, 2006, Planning Commission meeting***: Oak Run area. The project is located on the southeast side of Oak Run Road approximately four-tenths of a mile north of its intersection with Little Ridge Road. The request is for a Zone Amendment from the Unclassified (U) zone district to the Limited Residential (R-L) and Limited Residential combined with the Building Site Minimum (R-L-BSM) zone districts and to the Open Space (OS) district within the boundaries of the existing Restrictive Flood (F-2) district, in conjunction with a four-parcel land division of approximately 58 acres into parcels ranging in size from 5.00 acres to 42.49 acres. Staff Planner: Rogers.

Assistant Planner Brandon Rogers presented the staff report. The public hearing was opened and Vicky Gibson-Eggen, representing the applicant spoke in favor of the project and offered to answer any questions that might arise.

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

Russ Mull, Director of Resource Management told the Commission that a change in the access from Oak Run Road was received by the Department of Public Works a few days prior to the Planning Commission meeting. Mr. Mull recommended that the project be continued so that the change could be reviewed by interested parties.

ACTION By motion made, seconded (Casolary/Cornelius), and carried unanimously, the Commission voted to continue the project to the July, 13, 2006, Planning Commission hearing.

R3: **Zone Amendment 06-016 (Brown)**: Millville area. The project is located on a 44.96-acre parcel on the southwest side of Old Forty-Four Drive less than one-tenth of a mile north of its intersection with Twin Avenue. The applicants have requested approval of a Zone Amendment from the Rural Residential combined with a Five-Acre Minimum Building Site district (R-R-BA-5) to the Rural Residential (R-R) and the Open Space (OS) zone district within the boundaries of the existing Floodway (F-1) and the Restrictive Flood (F-2) zone districts. Staff Planner: Rogers.

Associate Planner Brandon Rogers presented the staff report. The public hearing was opened and Vicky Gibson-Eggen, of Sharrah, Dunlap, Sawyer, spoke in favor of the project and requested that documents and information regarding the project be available for review in a more timely manner.

R3 Cont'd

Russ Mull spoke in respect to the comment about documents and other information being received in a timely manner, suggesting that more time could be allotted to preparation and receipt of the completed project conditions. Mr. Mull cited that doing so would add a month to the application process. Vicky Gibson-Eggen responded that she agreed that more time was needed by all parties involved to adequately complete the project's conditions.

Applicant Dennis Brown spoke in favor of the project.

Speaking in opposition to the project were:

Speaker's Name	***Issues/Comments/Concerns***
Carol Hail	Concerned that the development in regards to the slope of the project property will cause an increase in flooding and leach field saturation issues. Ms. Hail questioned if there would be additional access roads to the property and that if not, the increased traffic would be a safety issue.
Joyce Darrow	Concerned about several issues including the possibility of mismanaged growth of the Millville area, drainage problems, lack of school facilities, current and future fire protection, and sheriff patrols.
Dave Hemp	Stated that the Planning Commission should maintain the rural environment of the area. Mr. Hemp also voiced concerns about present and future flooding issues.
David Moeller	Stated that he agreed with the previous speakers in opposition. Mr. Moeller voiced concern that the zoning change and parcel-size reduction would set a precedent for future projects, which would eventually result in growth in the area. He was also concerned about an increase in traffic.

Vicky Gibson-Eggen spoke in rebuttal with a reminder that the project is a Zone Amendment and not a map entitlement issue, and all the concerns that were voiced would be addressed if and when a map application ensued.

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

ACTION

By motion made, seconded (Cornelius/Ramsey), with Commissioner Casolary casting a "no" vote, and carried 4/1, by Resolution 2006-090, the Commission recommended that Shasta County Board of Supervisors conduct a public hearing and adopt a CEQA determination of a Mitigated Negative Declaration and approve Zone Amendment 06-016, based on the recommended findings and subject to the condition listed in the Resolution.

R4: **Tract Map 1863 (Morgan/Halkides)**: Centerville area. The project is located on a 65.43-acre parcel adjacent to the east side of Placer Road approximately one-tenth of a mile northeast of its intersection with Swasey Drive. The applicants have requested approval of a 13-lot subdivision with lot sizes ranging from 3.0 to 7.95 acres. Staff Planner: Meraz.

Associate Planner Meri Meraz presented the staff report and advised the Commission that the applicant had requested a continuance in order to have additional time to review the conditions of approval 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 (Cornelius/Casolary), and carried unanimously, the Commission continued the project to the July 13, 2006, Planning Commission hearing.

R5: **Use Permit 06-005 (Frommer)**: North Redding area. The project is located on a 2.71-acre parcel on the northeast corner of Lake Boulevard and Construction Way. The applicant has requested approval of 3 commercial buildings, which will house 18 contractor's warehouses. Staff Planner: Meraz.

Associate Planner Meri Meraz presented the staff report. The public hearing was opened and Robert Frommer, the applicant, spoke in favor of the project. There being no speakers for or against the project, the public hearing was closed.

ACTION By motion made, seconded (Casolary/Ramsey), and carried unanimously, by Resolution 2006-92, adopted a CEQA determination of a Negative Declaration, and approved Use Permit 06-005, based on the findings and subject to the conditions listed in the Resolution.

R6: **Variance 05-005 (Hero)**: Fall River Mills area. The project is on an approximately 0.43-acre parcel on the southwest side of Grand Rapids Avenue less than one-tenth of a mile southeast of its intersection with Long Street. The applicant has requested approval to locate a storage building/shop on the front property line. Staff Planner: Meraz.

Associate Planner Meri Meraz presented the staff report and the public hearing was opened and the applicant, Thomas Hero spoke in favor of the project stating that he was available for any questions. There being no other speakers for or against the project, the public hearing was closed.

ACTION By motion made, seconded (Ramsey/Rutledge), and carried unanimously, by Resolution 2006-093, the Commission found the project to be Categorically Exempt from the requirements of CEQA and approved Variance 05-005, based on the findings and subject to the conditions listed in the Resolution.

R7: **Tract Map 1900 (Harmon)**: Millville area. The project is located on a 207-acre parcel located on the east side of Silverbridge Road approximately one mile south of its intersection with State Highway 44. The applicant has requested approval of six-parcel land division. Staff Planner: Bonnin.

R7 Cont'd Senior Planner Zach Bonnin presented the staff report. The public hearing was opened and the applicants representative, Tom Brower spoke in favor of the project and availed himself for questions from the Commission. Commissioner Casolary inquired if the secondary access for a fire escape route is certain, with Mr. Brower verifying that fact. 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 2006-094, the Commission adopted the CEQA determination of a Mitigated Negative Declaration, and approved Tract Map 1900, based on the findings and subject to the conditions listed in the Resolution.

R8: **Zone Amendment 02-023 and Tract Map 1869 (Trinity Equipment Company)**: Palo Cedro area. The project is located on a 77-acre parcel between the western end of Topland Drive and the eastern end of Gilbert Drive. The applicant has requested approval of a Zone Amendment from Rural Residential (R-R) and Rural Residential combined with a Five-Acre Minimum Building Acreage (R-R-BA-5) zone districts to a Planned Development(PD); and a 29-lot subdivision. Staff Planner: Bonnin.

Senior Planner Zach Bonnin presented the staff report and added that a Hydrology Study was recently received by the Planning Division, and more time was needed to review the new information. Planner Bonnin requested that the project be continued to a date uncertain.

The public hearing was opened and Don Shearing, representing the applicant, spoke in favor of the project and asked to reverse the request for a continuance due to the fact that he felt the hydrology information had been adequately provided. Mr. Shearing displayed aerial photographs to demonstrate how run-off naturally disperses to the wetlands and would not increase by the development, as projected.

Speaking in opposition to the project:

Speaker's Name	***Issues/Comments/Concerns***
Rick Wolford	Resident of Gilbert Drive, spoke of concerns with potential traffic issues and the proposed parcels sizes not being consistent with the area. Mr. Wolford said that he believed that his road was private and questioned the offer of dedication.
Kurt France	Concerned with the drainage, the Bella Vista water district using a large pump that causes draw down on neighboring wells, and sewage system concerns.
Bill West	Resident of Hillside Drive cited concerns about drainage and flooding, overburdening of the land, sewage system issues, and recommended reducing the number of proposed lots.

R8 Cont'd

Marcia Renelle	Wanted to go on record to mention the issue of pad elevations in the low-lying areas and distributed letters regarding this to the Commission.
Larry Winton	Very concerned about the increasing amount of storm water run-off causing drainage issues and flooding, and subsequent topsoil erosion. Mr. Winton stated he also wants to preserve the country character of the area.
Debbie Arnett	Stated that drainage issues remain and stands by her testimony at previous hearings.
Ed Benson	Requested information from County Counsel regarding the law, if any, regarding road offerings to the County. Mr. Benson voiced opposition to connecting the proposed subdivision to Gilbert Drive. Mr. Benson also voiced fire and traffic concerns if Gilbert Drive is extended.
Kurt France	Spoke again regarding the Gilbert Drive issue and traffic concerns.

Don Shearing spoke in rebuttal requesting County Counsel to advise if under the State of California Development and Planning Laws of 1998, there was any legal justification for the project not being approved, as it was currently presented. John Loomis, County Counsel responded that he would have to do legal research to address that question.

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

ACTION By motion made, seconded (Cornelius/Ramsey), and carried unanimously, the Commission continued the project to a date uncertain.

RECESS A 10-minute recess was called at 4:40 p.m.

RECONVENE The Planning Commission reconvened at 4:50 p.m.

R9: **General Plan Amendment 05-009, Zone Amendment 05-047 and Tract Map 1934 (The Kennett Group)**: Cottonwood area. The project is located on a 24.6-acre lot bounded by Rhonda Road to the west, Interstate 5 to the East, the Anderson Cottonwood Irrigation District canal to the north and Gas Point Road to the south. The applicant has requested to: (1) amend the General Plan from Commercial (C) and Suburban Residential - 3 (SR-3) to Commercial (C) and Urban Residential - 5 (UR-5), (2) amend the zoning from Community Commercial combined with a Design Review (C-2-DR) zone districts to the C-2-DR and One-Family Residential combined with Design Review (R-1-DR) and Multiple-Family Residential - 5 combined with Design Review (R-3 (5) DR) zone districts and (3) a 37-subdivision, which is Phase 1 of a 3-phase project. Staff Planner: Bonnin.

R9 Cont'd Senior Planner Zach Bonnin informed the Commission that staff was recommending that the project be continued to the July 13, 2006, Planning Commission meeting. Planner Bonnin stated that although a presentation was not prepared, since the project was legally noticed, a public hearing should ensue. 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 (Casolary/Cornelius), and carried unanimously, the Commission voted to continue the project to the July 13, 2006, Planning Commission hearing.

R10: **General Plan Amendment 05-010, Zone Amendment 05-049 & Parcel Map 05-083 (Dunham)**: Cottonwood area. The project is located on a two-acre parcel on the east side of Locust Street one-tenth of a mile north of its intersection with Fourth Street. The applicants have requested approval of a General Plan Amendment from the Suburban Residential One-Acre Minimum (SR-1) to the Suburban Residential (SR) land use designation; a Zone Amendment from the One-Family Residential One Acre Minimum (R-1-BA-1) to the One-Family Residential (R-1) zone district; and a land division of two-acres into one 0.87-acre parcel and one 1.13-acre parcel. Staff Planner: Rogers.

Associate Planner Brandon Rogers presented the staff report. The public hearing was opened and Bruce Dunham, 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 (Rutledge/Cornelius), and carried unanimously, by Resolution 2006-097, the Commission recommended that the Shasta County Board of Supervisors conduct a public hearing and adopt a CEQA determination of a Mitigated Negative Declaration, and approve General Plan Amendment 05-010, based on the findings listed in the Resolution, and by Resolution 2006-098 recommended that the Shasta County Board of Supervisors approve Zone Amendment 05-049 based on the findings and subject to the conditions listed in the Resolution, and by Resolution 2006-099, adopted a CEQA determination of a Mitigated Negative Declaration and approved Parcel Map 05-083 based on the findings and subject to the conditions listed in the Resolution.

R11: **Parcel Map 06-007 (Rhodes)**: Palo Cedro area. The project is located on an eight-acre parcel at the end of Chaps Lane. The applicant has requested approval of a two-parcel land division creating a two-acre parcel and a six-acre parcel. Staff Planner: Rogers. (4/5 Vote Required)

Senior Planner Brandon Rogers 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 (Cornelius/Rutledge), and carried unanimously, by Resolution 2006-100, adopted the CEQA determination of a Mitigated Negative Declaration, and approved and exception to the Fire Safety Standards (CDF Exception 06-01) for a through roadway for the purpose of a Fire Emergency Escape Road, and approved Parcel Map 06-007, based on findings and subject to the conditions listed in the Resolution.

R12: **Use Permit 05-012 (Stutes)** ***Continued from the April 13, 2006, Planning Commission meeting***: Igo area. The project is located on a 444-acre parcel generally located adjacent to the south side of Cloverdale Road approximately one-half mile east of its intersection with Placer Road. The applicant has requested approval of a 2,500-foot-long by 50-foot-wide private runway, using an existing private dirt road. Staff Planner: Bonnin.

Senior Planner Zach Bonnin presented the staff report recommending the project be denied. Commissioner Casolary asked Planner Bonnin for clarification that the project was exempt from CEQA. Mr. Bonnin confirmed that the project was Statutorily Exempt and an Initial Study had not been performed because the Planning Division was recommending denial due to issues that were not environmentally related.

Chairman Smith announced that he wanted to disclose that he had spoken to Mary Belkin regarding the project; that she was not at one of the meetings and had called him to ask some questions.

The public hearing was opened the applicant's representative, Bart Fleharty stated that the project was *not* continued from the April meeting, but rather a decision was made at the meeting to proceed with CEQA. He also stated that no one appealed that decision and it (the project) should proceed forward. Mr. Fleharty added that he had submitted a letter (dated June 1st) to the Commissioners and confirmed they had received it. Mr. Fleharty contended that the Commission had violated its own rules of procedure at the May meeting.

Senior Deputy County Counsel John Loomis spoke to clarify the *Rules of Operation and Conduct Before The Shasta County Planning Commission*, Rule 9E that a final vote on any matter before the Commission may be considered during in which the vote was taken, provided the motion to reconsider was made by a Commissioner who voted with the majority on the final vote. Mr. Loomis also noted Rule 14, which says that the Commission may temporarily suspend the operation of Rule 9, or any portion thereof, to facilitate the conduct of the Commissions' business. Mr. Loomis stated that as he was not at the meeting in question, he gathered that through reading the minutes, the Commission decided to suspend Rule 9E pursuant to Rule 14 and reconsider the matter.

Mr. Loomis read from the May Planning Commission hearing's minutes quoting Commissioner Casolary's motion to suspend operation of Rule 9E and noted that the motion was not included in the agenda for the meeting. Mr. Loomis advised that because the matter was not on the agenda, Commissioner Casolary's motion and the action taken by the Commission could be considered null and void. He recommended that the item be dropped from the June calendar and place the decision to suspend Rule 9E on a future Planning Commission agenda for full consideration and also place on the agenda the decision to approve or deny the Use Permit.

Director of Resource Management Russ Mull stated that Mr. Loomis' opinion was contrary to a previous opinion received by County Counsel's office. He recommended that the Commission place the matter of suspending Rule 9E on a future Planning Commission agenda and in the interim, he would request a written legal opinion from County Counsel's office for definitive direction.

R12 Cont'd Jeff Swanson, attorney for the Ono Citizens for Responsible Growth, spoke in opposition to the project stating that the Commission should not continue the matter but should remove it from the calendar because of the legal issues brought forth at the meeting.

Cindy Ercole spoke in opposition to the project and asked if additional airplanes would be allowed to use the airstrip if the property were developed into additional lots.

Bart Fleharty requested that the matter be placed on the agenda after July 12th. There being no other speakers for or against the project, the public hearing was closed.

ACTION By motion made, seconded (Cornelius/Casolary), and carried unanimously, the Commission removed Item R12 from the agenda.

Non-Hearing Items: None.

ADJOURNMENT

Planning Commission was adjourned at 6:41 p.m.

Submitted by:

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Dawn Duckett, Staff Services Manager
Recording Secretary