SHASTA COUNTY
PLANNING COMMISSION

MINUTES **Regular Meeting**

Date: August 9, 2012
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL

Commissioners Present:

Roy Ramsey	District 4
Jim Chapin	District 1
John Cornelius	District 3
Dick Franks	District 2
Darren Simmons	District 5

Staff Present: Richard Simon, Assistant Director of Resource Management
James Ross, County Counsel's Office
Kent Hector, Senior Planner
Carla Serio, Environmental Health Division
Al Cathey, Public Works/Subdivision Engineer
Dan Hebrard, Shasta County Fire Department
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), Other Exemption from CEQA (OE); Not Subject to CEQA (N/A).

CONFLICT OF INTEREST DECLARATIONS: None.

OPEN TIME: No Speakers.

APPROVAL OF MINUTES: By motion made, seconded (Franks/Cornelius), and carried unanimously, the Commission approved the minutes of June 14, 2012, as submitted.

CONSENT ITEMS: None.

PUBLIC HEARINGS:

R1: **Use Permit 11-008 (Seven Hills Land & Cattle):** The project site is located approximately 5 miles west of Shingletown, 0.17 miles north of Tahoe Lane and 0.5 miles northwest of the intersection of Shingle Creek Lane and State Highway 44. The request is for the construction and operation of a wireless communications facility consisting of a 110-foot-tall monopine structure (containing up to five antenna arrays and two microwave dishes), along with five communication and equipment shelters enclosed by a 6-foot-tall, chain-link fence. The proposed improvements would be located within a 70-foot by 70-foot lease area on a 195.5-acre property. Staff Planner: Hector. District: 5. Proposed CEQA Determination: ND. Ex-parte Communications Disclosures: None.

Senior Planner Kent Hector presented the staff report. The public hearing was opened and Joel Ellinwood, representing the applicant, spoke in favor of the project and indicated that the conditions of approval were acceptable. Dan Hebrard, from the Shasta County Fire Department, in response to a question from Commissioner Chapin, provided the definition of an all-weather access road.

Speaking in opposition to the project was Ralland Fedorff, a neighbor, who discussed his concerns regarding visual impacts, property values, and health risks. Mr. Fedorff suggested moving the tower to another location.

Mr. Ellinwood provided rebuttal remarks discussing details regarding the site selection process and the necessary criteria for placing cell towers. He cited studies related to health risks and stated that public safety standards are met by a 20-foot radius around the tower. Mr. Ellinwood added that the tower height was reduced from 195 feet to 110 feet to reduce visual impacts to the neighbors. The public hearing was closed and then reopened to allow Mr. Fedorff to make additional comments regarding health risks and visual impacts. There being no other speakers for or against the project, the public hearing was closed.

ACTION: By motion made, seconded (Cornelius/Chapin), and carried unanimously, by Resolution 2012-023, the Commission adopted a CEQA determination of a Negative Declaration and approved Use Permit 11-008, based on the findings and subject to the conditions listed in the Resolution. NOTE: Following the motion and second, there was additional discussion regarding the location of the tower. Assistant Director of Resource Management, Richard Simon, advised that the Zoning Plan required a setback of at least the height of the tower from the property line and Commissioner Cornelius asked that the applicant explore location alternatives.

R2: **Use Permit 11-009 (Wood)**: The project is located approximately 6 miles southeast of Millville approximately 0.3 miles south of the intersection of Fisher Lane and State Highway 44. The request is for the construction and operation of a wireless communications facility consisting of a 110-foot-tall monopine structure (containing up to five antenna arrays and six microwave dishes), along with five communications and equipment structures enclosed by a 6-foot-tall, chain-link fence. The proposed improvements would be located within a 70-foot by 70-foot leased area on a 10-acre property. Staff Planner: Hector. District: 5. Proposed CEQA Determination: ND. Ex-parte Communications Disclosures: None.

Senior Planner Kent Hector presented the staff report. A memorandum was distributed to the

Commission containing an email from the applicant's representative explaining the methodology used to prepare photo simulations for the project.

The public hearing was opened and Joel Ellinwood, representing the applicant, spoke in favor of the project and stated that the applicant would maintain the access road for the project.

Speaking in opposition to the project was Steve Frick, a neighbor, who asked that additional photo simulations be originated from his property to assess the visual impacts. Mr. Frick opined that the Environmental Initial Study failed to address the impacts related to light and glare, biological resources, and noise. He also voiced concerns regarding property values and asked that an Environmental Impact Report (EIR) be prepared for the project, or that the project be continued in order for additional work to be performed on the Environmental Initial study. Mr. Frick submitted a written summary of his statements made to the Commission.

Also speaking in opposition was Robert Levrini who stated that many parcels in the area are unbuildable due to fire hazards and asked if a fire suppression plan had been prepared for the project. He also wanted to know how long it would take to construct the tower. Heather Frick spoke in opposition with concerns regarding health risks to children.

Joel Ellinwood provided rebuttal remarks stating that fire suppression is addressed in the conditions of approval and that evidence of a substantial impact must be present before an EIR would be required. Mr. Ellinwood added that the courts have ruled that visual impacts from cell towers are to the general public rather than specific property owners. In response to a question from Commissioner Chapin, Mr. Ellinwood explained the reasons why the tower wasn't feasible adjacent to Highway 44 rather than the proposed location. In response to a question from Commissioner Ramsey, Mr. Ellinwood indicated that there was no lighting proposed to be on the tower itself. There being no other speakers for or against the project, the public hearing was closed.

Dan Hebrard advised the Commission that the location of the project is not classified as an extreme fire hazard and therefore, a fire suppression plan is not required. Commissioner Chapin stated his opposition to placing cell towers in residential areas with small lots and that approval of this project would be setting a poor precedent. Commissioner Franks stated that there is no meaningful evidence of health risks associated with cell towers.

ACTION: By motion made, seconded (Cornelius/Franks), and carried with Commissioners Cornelius, Franks, Simmons, and Ramsey voting AYE and Commissioner Chapin voting No, for a 4-1 vote, by Resolution 2012-024, the Commission adopted a CEQA determination of a Negative Declaration and approved Use Permit 11-009, based on the findings and subject to the conditions listed in the Resolution.

R3: **Zone Amendment 11-004 & Use Permit 11-011 (Redding Reserve – Shasta Wine Village)**: The project is located in the Mountain Gate area on a 10.08-acre property at the southeast corner of Old Oregon Trail and Holiday Road. The request is for approval to rezone the eastern 3.3 acres from the Rural Residential (R-R) zone district to the Highway Commercial combined with Design Review (C-H-DR) zone district. In conjunction with the Zone Amendment, the applicant is requesting a Use Permit for a commercial project consisting of a restaurant, a deli, wine tasting/sales activities consisting of public retail space, warehouse/storage and common space, and a vineyard for aesthetics, demonstration, and educational purposes. Water for this project is to be provided by the Mountain Gate Community Services District. Sewage disposal will be through on-site septic treatment systems. Staff Planner: Hector. District: 4. Proposed CEQA Determination: MND. Ex-parte Communications Disclosures: None.

Senior Planner Kent Hector presented the staff report. A memorandum was distributed to the Commission containing three public comment letters and staff-recommended revisions to Use Permit Conditions 34, 35, 37, 41, and 73(g).

The public hearing was opened and Marcus Partin, representing the applicant spoke in favor of the project and stated that the conditions of approval were acceptable to the applicant. Mr. Partin described the wine village concept and in response to a question from Commissioner Chapin, indicated that there would be approximately 100-130 employees. Also speaking in support of the project were Jack Lewallen and Greg Butler. There being no other speakers for or against the project, the public hearing was closed.

Senior Planner Kent Hector recommended a minor revision to Condition 36 (changing Section 6.43 of the Fire Safety Standards to Section 6.3)

ACTION: By motion made, seconded (Cornelius/Chapin), and carried unanimously, by Resolution 2012-025, 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 11-004, based on the findings and subject to the condition listed in the Resolution, and by Resolution 2012-026, adopted a CEQA determination of a Mitigated Negative Declaration and approved Use Permit 11-011, based on the findings and subject to the conditions, as amended (as recommended in the memorandum and revision to Condition 36), listed in the Resolution. The Commission also made a finding that revised Mitigation Measures 10 and 73(g) are equivalent or more effective in reducing or avoiding potential effects than the original measures and do not cause any significant effect on the environment.

R4: **Conditional Certificate of Compliance 12-004 (Bissell)**: The project is located in the Millville area on a 160-acre parcel, approximately three miles northeast of the intersection of Parkville Road and Dersch Road. The request is for deviation from the County road standards for a private access road (Hyrax Drive) from Dersch Road, a County road, to their property; along with an exception from the County Development Standards regarding the length of the access road. Staff Planner: Hector. District: 5. Proposed CEQA Determination: CE. Ex-parte Communications Disclosures: None.

Senior Planner Kent Hector presented the staff report. A memorandum was distributed to the Commission containing three comment letters and an email received by the Planning Division after the staff reports had been circulated.

The public hearing was opened and the applicants, Keith and Linda Bissell spoke in favor of the project and provided a brief history of the property. Speaking in opposition was neighbor, Wilma Sample who voiced concerns regarding road conditions and maintenance of the road. Linda Bissell provided rebuttal remarks stating that most of the traffic on the road is from the Sample's property. There being no other speakers for or against the project, the public hearing was closed.

In response to a question from Commissioner Chapin, Dan Hebrard stated that there was no problem with emergency vehicle access and that the road was adequate.

ACTION: By motion made, seconded (Franks/Chapin), and carried unanimously, by Resolution 2012-027, the Commission found the project Categorically Exempt from CEQA, and approved a deviation to the County's Development Standards, Chapter 2, Section A.1.a, and Section B.1, which requires the access road to the property be built to a Minor Rural Road standard, based on the findings recommended by the Department of Public Works contained within the staff report; and approved an exception to the County's Development Standards, Section 6.11.1, which limits the length of dead-end roads to 1,000 feet in length, based on the findings contained within Shasta County Fire Department Request #12-016 and based on the findings listed in the Resolution.

NON-HEARING ITEMS: None.

ADJOURNMENT: The Planning Commission adjourned at 4:20 p.m.

Submitted by:

Dawn Duckett, Staff Services Manager
Recording Secretary