SHASTA COUNTY
PLANNING COMMISSION

MINUTES **Regular Meeting**

Date: August 10, 2006
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL

Commissioners

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

Staff Present: Jim Smith, Environmental Health Division Manager
Karen Jahr, County Counsel
Bill Walker, Senior Planner
Meri Meraz, Associate Planner
Lisa Lozier, Associate Planner
Lio Salazar, Associate Planner
Al Cathey, Public Works/Subdivision Engineer
Dawn Duckett, Staff Services Manager/Recording Secretary

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: None.

OPEN TIME Joann Moore spoke on behalf of the Shasta County Citizens for a Healthy Environment stating concerns regarding inaccuracies in the draft Environmental Impact Report (EIR) for the Shasta Ranch Mining and Reclamation project and requested that the Commission review the draft EIR before the final document is released.

Ken Behnke spoke regarding environmental issues and problems with the proposed Shasta Ranch Mining and Reclamation project stating concerns with impacts to road safety, road widths, bus stops, and the large number of truck trips per day. Mr. Behnke said that the Bureau of Land Management had identified alternative sites for a gravel operation.

Linda Schreiber spoke regarding the negative impacts to Balls Ferry Road and air quality that will be caused by trucks from the Shasta Ranch Mining and Reclamation project.

Senior Planner Bill Walker explained the importance of receiving all comments regarding the Shasta Ranch project in writing so that the comments and concerns will become part of the record for the project and may be responded to as part of the final EIR process. Planner Walker went on to say that the EIR was a draft and that public input was very important in developing the final EIR.

APPROVAL OF MINUTES: By motion made, seconded (Cornelius/Ramsey) and carried with Commissioner Rutledge abstaining from the vote, the Commission approved the minutes of July 13, 2006, as submitted.

CONSENT ITEMS By motion made, seconded (Cornelius/Rutledge), and carried unanimously, the Commission continued Item C2 Parcel Map 06-021 to the October 12, 2006, Planning Commission meeting, continued Item C3 Parcel Map 05-068 to a date uncertain, and approved the following Consent Items:

C1: **Parcel Map 05-063 (Kauffroath)**: By Resolution 2006-118, approved a three-parcel land division located on a 17.9-acre parcel on the south side of Old Forty-Four Drive approximately three-tenths of a mile west of its intersection with Deschutes Road. Staff Planner: Lozier. District 3. CEQA: MND

C4: **Parcel Map 06-023 (Parker)**: By Resolution 2006-121, approved a four-parcel land division of 37.44 acres located on the south side of Balls Ferry Road less than one-tenth of a mile northwest of Gaines Lane. The land division will create three 8.11-acre parcels with a 5-acre remainder. Staff Planner: Meraz. District 5. CEQA: MND

C5: **Use Permit 06-022 (Trion Development)**: By Resolution 2006-122, approved a Design Review for 14 duplexes, landscaping, and a sound wall in the Cottonwood Creek Meadows subdivision, located on the south and east sides of Rhonda Road adjacent to Interstate 5 approximately one-quarter of a mile south of its intersection with Sigma Drive. Staff Planner: Walker. District 5. CEQA: MND

PUBLIC HEARINGS

R1: **Use Permit 05-012 (Stutes)**: Igo area. The Planning Commission will consider suspending Rule 9E of the Planning Commission Rules of Operation and if the rule is suspended, reconsider Use Permit 05-012 for denial. 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: Walker.

ACTION 1 By motion made, seconded (Ramsey/Cornelius), and carried unanimously, the Commission suspended Rule 9E of the Planning Commission Rules of Operation.

ACTION 2 By motion made, seconded (Ramsey/Cornelius), and carried unanimously, the Commission agreed to reconsider Use Permit 05-012.

Senior Planner Bill Walker presented the staff report and recommended denial of the project due to conflict with General Plan Policy PF-H. Planner Walker explained that an environmental finding had not been prepared for the project because CEQA does not require that such findings be made for projects that are being denied.

The public hearing was opened and Margaret Engelhardt, attorney for the Concerned Citizens of Igo and Ono, spoke in opposition to the project. Ms. Engelhardt cited conflicts with the landfill, as well as the General Plan. Ms. Engelhardt requested that the project be denied. There being no other speakers, for or against the project, the public hearing was closed.

ACTION 3 By motion made, seconded (Cornelius/Rutledge), and carried unanimously, by Resolution 2006-123 denied Use Permit 05-012 based on the findings listed in the Resolution.

R2: **Zone Amendment 06-015, Use Permit 05-039 and Reclamation Plan 05-004 - Twin Mine (Timber Management)**: Millville area. The project is located on a 162-acre parcel approximately one-half mile east of Millville Plains Road. The road access to the parcel is located on Millville Plains Road, approximately 0.7 miles north of the intersection with Dersch Road. The applicant has requested approval of: 1) an amendment of the Planned Development zone district to include mining as a use requiring a use permit; 2) a use permit for the excavation, screening, crushing, and off-site transportation of sand and gravel; and 3) a reclamation plan to reclaim the extraction and processing areas as rangeland and ponds. The extraction area would be approximately 54 acres. A total of approximately 70 acres would be reclaimed, including the processing areas as well as the extraction areas. Approximately 1.5 million cubic yards of sand and gravel would be removed over a 30-year period. The existing approved landfill would not be compromised. Staff Planner: Walker.

Senior Planner Bill Walker presented the staff report. Planner Walker explained that although this project had been previously approved by the Commission on May 11, 2006, it was later determined that the project was not circulated to the State Clearinghouse, as required, and the project was subsequently referred back to the Planning Commission by the Board of Supervisors so that the proper procedure could be followed for the project. Planner Walker stated that the project had since been referred to the State Clearinghouse as well as all other appropriate agencies and recommended that the Commission approve the project.

R2 Cont'd

Planner Walker told the Commission that since the original approval, in response to conerns expressed by the appellants, two conditions had been added to the project (Conditions 26 and 27) that require a 25-foot buffer area and fence between the landfill and the gravel operation. He also said that a condition had been added (Condition 48b) that requires the applicant to submit records of trucks being weighed at the site to monitor the number of truck trips being generated by the project.

The public hearing was opened and Keith Hamblin, representing the applicant, spoke in favor of the project stating that the original conditions of approval as well as the new conditions for the project were satisfactory to the applicant.

Speaking in opposition to the project were:

Speaker's Name	***Issues/Comments/Concerns***
Bob Harp	Mr. Harp stated that an Environmental Impact Report (EIR) should be required for the project. He said that the Regional Water Quality Control Board (RWQCB) had information regarding the project that was not considered in the staff report. Mr. Harp told the Commission that RWQCB records indicate that leachate had been discharged from the site and a Cleanup and Abatement Order as well as a Cease and Desist Order had been issued by the RWQCB. Mr. Harp opined that no shortage of gravel exists in Shasta County and that there is an ample supply of limestone. He also stated concerns regarding possible contamination of the equipment being used by both the landfill and gravel operations, traffic, noise, dust, and reduction of property values in the area.
Emilie Reedy	Ms. Reedy stated concerns regarding the project's impact to Dry Creek and salmon and other wildlife. She also had concerns regarding dust and effects on stream beds and ponds.
Sandi Benoit	Ms. Benoit told the Commission that the RWQCB had indicated that mining would not be allowed in areas that were irrigated with leachate pond water nor would mining be allowed in the ash disposal area of the landfill. Ms. Benoit stated that neither of the areas were designated in the Reclamation Plan and that there was no written approval from Pacific Gas & Electric for the project.

Keith Hamblin spoke in rebuttal to the opposing comments stating that the applicants had met with the RWQCB and that the RWQCB had extensively reviewed the project. Mr. Hamblin indicated that the project was specifically designed based on the RWQCB's recommendations. Mr. Hamblin provided a brief history of the property stating that it had been previously under bankruptcy and that when Timber Management Services acquired the site, the landfill was capped and monitoring was instituted by Vestra Resources. Mr. Hamblin noted that since that time, there has been no leachate detected from the landfill. There being no other speakers for or against the project, the public hearing was closed.

R2 Cont'd Commissioner Rutledge said that Condition 37 of the Use Permit should specify the water level of Dry Creek as "the high water mark" for the 100-foot excavation buffer. Senior Planner Bill Walker noted that the RWQCB had not submitted any comments against the gravel operation and that most of the communications with the RWQCB dealt with issues related to the landfill operation.

ACTION By motion made, seconded (Cornelius/Ramsey), and carried unanimously, by Resolution 2006-124, 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 Zone Amendment 06-015, based on the findings and subject to the condition listed in the Resolution, and by Resolution 2006-125, adopted a CEQA determination of a Mitigated Negative Declaration, and approved Use Permit 05-039, based on the findings and subject to the conditions, as amended, listed in the Resolution, and by Resolution 2006-126, approved Reclamation Plan 05-004, based on the findings and subject to the conditions listed in the Resolution.

R3: **Zone Amendment 05-007 (Henderson)**: Big Bend area. The project is located adjacent to the south side of Hagen Flat Road approximately two miles east of the intersection of Big Bend Road and Hagen Flat Road. The applicant has requested to rezone four separate areas (totaling 2.99 acres) of a 160-acre parcel from the Timber Production (TP) zone district to the Commercial Recreation (CR) zone district, in order to permit a commercial destination fishing facility. Staff Planner: Walker.

Senior Planner Bill Walker presented the staff report. The public hearing was opened and Frank Lehman, representing 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/Ramsey), and carried unanimously, by Resolution 2006-127, the Commission recommended that the Shasta County Board of Supervisors conduct a public hearing and adopt a CEQA determination of a Negative Declaration with a De Minimis Finding of Significance, and approve Zone Amendment 05-007, based on the findings and subject to the condition listed in the Resolution.

R4: **Parcel Map 06-013 (Hutchins/Elkins)**: Anderson area. The project is located on a 73-acre site adjacent to the southeast side of the intersection of Locust Road and Bettendorf Way. The applicant has requested approval of a 16-parcel land division of industrial lands. Staff Planner: Lozier.

Associate Planner Lisa Lozier presented the staff report directing the Commission's attention to a memorandum that contained an additional condition (31a) requiring a note on the map regarding the zone of benefit for the Deschutes Road interchange and associated impact fees and a correction to Condition 32 adding requirements for emergency fire escape roads and the formation of permanent road division for the maintenance of such roads.

R4 Cont'd

The public hearing was opened and Jim Elkins, representing the applicants, spoke in favor of the project stating that he had no objection to the amended conditions (31 & 32). Mr. Elkins proposed an alternative condition to replace Condition 63 requiring an Oak Woodlands Conservation Plan (OWCP) for the project. Mr. Elkins stated that Condition 63 as written was not feasible for an industrial site and that the actual uses will be determined by future owners of the parcels. Mr. Elkins proposed that rather than an OWCP for the entire site, the condition be modified to require that all lots with oak canopy cover greater than 10 percent maintain 10 percent cover after development. There being no other speakers for or against the project, the public hearing was closed.

Associate Planner Lisa Lozier explained that the requirement for the OWCP was intended to protect native oak species and recommended that Condition 63 could be revised to allow for mitigation for each particular parcel as development occurs.

ACTION

By motion made, seconded (Cornelius/Rutledge), and carried unanimously, by Resolution 2006-128, the Commission adopted a CEQA determination of a Mitigated Negative Declaration, and approved Parcel Map 06-013, based on the findings and subject to the conditions, as amended, listed in the Resolution.

R5:

Zone Amendment 05-011 and Tract Map 1910 (Sutter Brown): Shingletown area. The project is located on the northwest side of Black Butte Road approximately seven-tenths of a mile south of its intersection with State Highway 44. The applicant has requested approval of a Zone Amendment, which will recognize the Limited Residential Building Site Minimum (R-L-BSM) zone district. The rezone will acknowledge the layout of the concurrent Tract Map, which proposes a subdivision of the 216-acre project site into 30 lots, with the majority ranging in size from five to seven acres. Staff Planner: Meraz.

Associate Planner Meri Meraz presented the staff report and advised the Commission that Condition 48 was being revised to require a left turn lane from Black Butte Road to Road A prior to recording Phase 2. Planner Meraz also directed the Commission's attention to a memorandum containing two letters of opposition to the project as well as modification of Condition 17 (increasing a non-building buffer from 25 feet to 50 feet from wetland features) and the addition of Conditions 56a and 56b (requiring Department of Fish and Game permits for streambed alterations and a Biological Survey for special status plants).

The public hearing was opened and speaking in favor of the project was the applicant, Andy Sutter.

Speaking in opposition to the project were:

Speaker's Name	***Issues/Comments/Concerns***
Kimberly Fancher	Ms. Fancher spoke on behalf of the Highway 44 Safety Project stating that the group was neutral towards the project but had concerns regarding the intersection of Black Butte Road and Highway 44.

R5 Cont'd

Paul Baars — Mr. Baars stated that the map sent out by the Department of Resource Management was inaccurate and voiced concerns regarding fire danger, insufficient number of fire hydrants, availability of water, the project's impact to existing wells in the area, road safety, increased traffic, and noise.

Ken Riland — Mr. Riland was concerned about the access road at the turn on Black Butte Road stating dangers from black ice as well as limited visibility in the afternoon because of glare from the sun. He also voiced concerns regarding availability of water and road safety on Highway 44.

Marge Perry — Ms. Perry voiced concerns regarding the availability of water in the area stating that the well on her property went dry in 1991. She also discussed fire protection, difficulty in obtaining fire insurance, and requested an EIR for the project.

Allan Arrow — Mr. Arrow discussed concerns regarding road safety on Black Butte Road and the availability of water in the area.

Beth Livesy — Ms. Livesy submitted a written statement discussed concerns regarding the cumulative effects of projects being approved in the area stating that CEQA requires an EIR if there may be cumulative impacts. Ms. Livesy also discussed public services, the Bear Creek watershed, salmon spawning, and Lack Creek.

The applicants, Andy Sutter and Jared Brown made rebuttal comments and displayed well logs for adjacent properties. Mr. Sutter stated that a traffic study was performed for the project that projected a Level of Service of C for the year 2025. There being no other speakers for or against the project, the public hearing was closed.

In response to questions from the Commission, Jim Smith, Environmental Health Division Manager indicated that according to the well logs received, there didn't appear to be a problem reaching water in the project area. Mr. Smith also clarified that the hydrology study that was performed for the project was done for surface flows and wetland issues rather than for groundwater.

ACTION

By motion made, seconded (Cornelius/Ramsey), with Commissioners Cornelius, Ramsey, and Rutledge voting AYE and Commissioner Casolary voting NO for a 3-1 vote, by Resolution 2006-129, 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 Zone Amendment 05-011, based on the findings and subject to the conditions listed in the Resolution, and by Resolution 2006-130, approved Tract Map 1910, based on the findings and subject to the conditions, as amended, listed in the Resolution.

Non-Hearing Items:

NH1: Letter to the Planning Commission from Judy Brehm and Jeane Griesing regarding Use Permit 02-035 - West Valley Sand and Gravel. **NO ACTION TAKEN**

ADJOURNMENT

Planning Commission was adjourned at 5:15 p.m.

Submitted by:

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Dawn Duckett, Staff Services Manager
Recording Secretary