SHASTA COUNTY
PLANNING COMMISSION

MINUTES **Regular Meeting**

Date:	August 14, 2014 &	August 15, 2014
Time:	2:00 p.m.	4:00 p.m.
Place:	Shasta County Administration Center Board of Supervisors' Chambers	

Flag Salute

ROLL CALL **Commissioners Present:**

Jim Chapin	District 1
Dick Franks	District 2
Roy Ramsey	District 4
Gene Parham	District 3
Patrick Wallner	District 5

Staff Present: Richard W. Simon, Director of Resource Management
Bill Walker, Senior Planner
Lisa Lozier, Senior Planner
James Ross, Assistant County Counsel
Mark Cramer, Environmental Health Division
Eric Wedemeyer, Department of Public Works
JT Zulliger, 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/Ramsey), and carried unanimously, the Commission approved the minutes of July 10, 2014, as submitted.

CONSENT ITEMS: None.

PUBLIC HEARINGS:

R1: **Use Permit 09-010 *Continued from 06/12/2014* (AMDUN, LLC)**: The project is located in the southeast Anderson area on a 51.82-acre parcel on the east side of Locust Road, about 0.6 miles south of the intersection of Locust Road and Panorama Point Road. The request is for a Use Permit for a variety of industrial uses including a Portland cement concrete plant, an aggregate processing plant including crushing, washing, and screening, wash water recycling ponds, a lime treatment plant for the aggregate, an aggregate storage area, a construction material recycling plant, metal storage and recycling, wood product storage, wood chipping and wood chip storage, hay storage and wholesale sales, a 1,000-gallon diesel storage tank/dispenser, miscellaneous outdoor storage, a contractor's yard, a 2,000-square-foot office building, two employee parking areas with a total of 32 spaces, a caretaker's quarters, and loading and unloading associated with a railroad spur. Staff Planner: Walker. District: 5. Proposed CEQA Determination: MND. Ex-parte Communications Disclosures: None.

Senior Planner Bill Walker presented the staff report. Eric Wedemeyer from the Department of Public Works made a presentation, discussed the condition of the road and the bridge, and responded to questions from the Commission. A memorandum was distributed to the Commission containing an additional public comment letter.

The public hearing was opened and speaking in favor of the project was Jesse Holland, the property owner, who provided a history of uses on the property, described several studies that had been conducted for the site, and responded to questions from the Commission.

Speaking in opposition to the project were:

Speaker's Name	***Comments/Concerns/Questions***
Michael Darling	Mr. Darling suggested revising the project description to more accurately describe the concrete mixing plant and discussed road/bridge conditions and traffic safety.
James Barker	Mr. Barker voiced concerns regarding the traffic round-about in Anderson near the project site and other traffic issues.
William Holmes	Mr. Holmes had questions regarding the hours of operation and how the operator would restrict truck traffic from traveling south on Locust Street.
Patricia Parker	Ms. Parker discussed traffic concerns and safety issues with the traffic round-about.

Becky Darling	Mrs. Darling discussed traffic concerns including wide loads and construction materials being carried on trucks.

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

Senior Planner Bill Walker responded to questions regarding the round-about, hours of operation and truck traffic, and addressed re-wording the project description (Condition 2a) to describe the mixing plant as a "Portland Cement Concrete Mixing Plant."

Eric Wedemeyer from the Department of Public Works responded to questions regarding restricting truck traffic on public roads and speed limit signs.

Commissioner Franks stated that the project revisions made by the applicant had adequately addressed remaining issues, to which Commissioners Chapin and Wallner agreed.

ACTION: By motion made, seconded (Franks/Ramsey), and carried unanimously, by Resolution 2014-011, the Commission adopted a CEQA determination of a Mitigated Negative Declaration and approved Use Permit 09-010, as revised and amended (adding the word "mixing" to the project description), based on the findings and subject to the conditions listed in the Resolution.

RECESS: The Commission took a ten-minute recess at 3:00 p.m., and reconvened at 3:10 p.m.

R2: **Zone Amendment 11-002 (Seven Hills Land & Cattle)**: The project is located in the Shingletown area on a 67-acre portion of a 435-acre parcel on the north side of Inwood Road approximately 1.0 mile east of the intersection of State Highway 44 and Inwood Road. The request is for a Zone Amendment from the Exclusive Agriculture (EA) zone district to the Commercial Recreation (C-R) zone district to allow expansion of existing, and the addition of new, uses of facilities related to the winery. These would include restaurant dining, special events, an 18-room hotel, a health spa, hiking and equestrian tours, sporting clay and skeet facilities and seasonal hunting and fishing. Staff Planner: Lozier. District: 5. Proposed CEQA Determination: MND. Ex-parte Communications Disclosures: None.

Senior Planner Lisa Lozier presented the staff report and responded to questions from the Commission. A memorandum was distributed to the Commission containing: 1) additional public comment letters; 2) a letter from the California Department of Fish and Wildlife; 3) a letter from the applicant removing the sport shooting element from the proposal; 4) a technical memorandum from PACE Engineering addressing hydrology; 5) a memorandum from Omni Means regarding traffic; and 6) a diagram detailing the locations of Sheridan Ditch, Sheridan Creek, and Bear Creek.

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

Speaker's Name	***Comments/Concerns/Questions***
Tim Geraghty	Mr. Geraghty, representing the applicant, made comments regarding the good character of the applicant and voiced support for the project.

Trish Clarke	Ms. Clarke, representing the applicant, discussed the project's positive impact on the local economy. She told the Commission that the applicant intended to sell the property and if the project were not approved, some of the buildings would be immediately demolished.
Paul Reuter (PACE Engineering)	Mr. Reuter, one of the applicant's consultants, discussed water usage, water rights and responded to questions from the Commission regarding the same.
Russ Winham (Omni Means)	Mr. Winham, one of the applicant's consultants, discussed the traffic analysis that was conducted for the project. He stated that all identified traffic impacts were adequately addressed through the proposed conditions and mitigation measures, and responded to questions from the Commission regarding the same.
Mary Machado	Ms. Machado discussed the project's positive impacts to the local economy.
Ken Murray	Mr. Murray stated that although he was not opposed to the project, he had concerns regarding impacts (water) to properties located downstream from the project site. Mr. Murray suggested an additional mitigation measure to ensure that downstream property owners receive their fair share of water from Sheridan Ditch.
Bonnie Sharp	Ms. Sharp discussed the benefits of tourism to the local economy.
Pam Bounett	Ms. Bounett voiced support for the project.
Christie Vogel	Ms. Vogel voiced support for the project.
Marlene Macombe	Ms. Macombe voiced support for the project.
Cheryl Clifford	Ms. Clifford voiced support for the project.
Karen Lamb	Ms. Lamb stated she did not want the Chapel to be demolished and voiced support for the project.
Norma Bond	Ms. Bond stated that she enjoyed the ringing of the chapel bells and discussed other amenities of the winery.
Mary Mooney	Ms. Mooney discussed the benefits to the local economy from the project.

RECESS: The Commission took a recess at 4:40 p.m., and reconvened at 4:58 p.m.

Speaking in opposition to the project were:

Joseph Williams	Mr. Williams stated that the proposed zone change would add a commercial center to a largely agricultural area. He asked that an Environmental Impact Report (EIR) be prepared to study the cumulative impacts that could occur from the proposed development.
Beth Livezey	Ms. Livezey suggested that the Commission would need additional time in order to examine all the materials submitted by opponents.
Mike Bachman	Mr. Bachman voiced concerns regarding light pollution and traffic impacts. He asked that an EIR be prepared for the project.
Phil Mc Goohan	Mr. Mc Goohan objected to the applicant's development of the site without first obtaining the proper permits from the County.
Jane Parsons	Ms. Parsons voiced concerns regarding water availability, impacts to wildlife, and noise.
Carolyn Christian	Ms. Christian voiced concerns regarding noise, traffic, light pollution, loss of privacy for neighbors, water availability, and changes in the creek.
Glenn Aldridge	Mr. Adridge discussed the width of the road and asked that a blinking light be placed near the driveway's intersection with Inwood Road. He also voiced concerns regarding water availability.
Carl Weidert	Mr. Weidert discussed the lack of permits for the existing development, water availability and impacts to the creek. He stated that many property owners were not notified of the public hearing for the Zone Amendment.
Barbara Holder	Ms. Holder stated that because many residents were not notified, additional time is needed in order for them (area residents) to respond. She also voiced concerns regarding noise, commercial hunting, and traffic.
Bill McPhetridge	Mr. McPhetridge stated that residents were not notified and that the applicant had violated terms of existing permits.

Jane Delehenty	Ms. Delehenty voiced concerns regarding law enforcement, emergency response, road safety and the lack of notice to area residents.
Linda Penkanin	Ms. Penkanin described an incident regarding a drone operated on behalf of the applicant.
Marti Weidert	Mrs. Weidert submitted a document, and discussed road safety issues, the rural characteristics of the area, water quality and availability, and the lack of permits for existing structures on the project site.
George Eckelbarger	Mr. Eckelbarger discussed road conditions, water quality and availability, and requested that an EIR be prepared for the project.
Robert Levrini	Mr. Levrini stated he did not receive notice of the hearing and discussed impacts from the existing heliport.
Beth Livezey	Ms. Livezey suggested a continuance for further studies regarding the water issues and requested that an EIR be prepared for the project.
Carl Weidert	Mr. Weidert asked that an EIR be prepared to study impacts to creeks/springs, drainage, flooding and sewage disposal issues.
Bill McPhetridge	Mr. McPhetridge stated that the applicant had not contributed to the local community.
Phil Mc Goohan	Mr. Mc Goohan asked that an EIR be prepared for the project.
Robert Levrini	Mr. Levrini stated that an EIR is needed to fully study impacts to creeks/springs and traffic.
Carolyn Christian	Ms. Christian invited the Commission to visit the area and requested that an EIR be prepared for the project.
Joseph Williams	Mr. Williams stated that an EIR would provide analysis needed to study the cumulative impacts from the project.

Eihnard Diaz, representing the applicant, made the following points in his rebuttal statements:

1. Some reports that were submitted by the opposition were outdated and pertained to a parcel located several miles upstream from the project site.

2. The applicant would be willing to add a condition regarding provision of water to downstream properties.

3. The applicant would be willing to add a condition to require maintenance of brush clearing along the road.

4. The County has a process to rectify code violations for as-built structures.

5. Impact fees will contribute to additional law enforcement and emergency response services to the area.

6. The General Plan allows Commercial Recreation uses in all General Plan designations.

7. Future development will be limited to what is currently being proposed.

8. Cumulative analysis was performed in traffic studies for the project.

9. No substantive evidence had been presented that would require an EIR for the project.

10. Project conditions and mitigation measures provide adequate protection to the environment.

11. The project has demonstrated that it positively impacts the local economy.

12. The project is an aesthetically pleasing agricultural use.

13. The proposed Zone Amendment will legitimize the existing Chapel and Conservatory.

Mr. Diaz responded to questions from the Commission regarding commercial hunting, wildlife in the area, and crime rates. Also discussed was a stop sign being placed at the end of the driveway near the intersection of Inwood Road. Mr. Diaz indicated that the applicant would be agreeable to an additional condition regarding the stop sign. Paul Reuter responded to questions from the Commission regarding water rights, lighting, and traffic. There being no other speakers for or against the project, the public hearing was closed.

Richard Simon, Director of Resource Management, explained the legal notification process and stated that in the future the Department would do its best to expand beyond what is required by law.

Commissioner Parham stated that water issues would remain regardless of the use of the property. Commissioner Chapin stated that Inwood Road wasn't designed to handle commercial traffic and that the road should be improved prior an expansion of uses.

MOTION: Commissioner Wallner made a motion, seconded by Commissioner Parham, with Commissioners Franks, Parham, Ramsey, and Wallner voting AYE and Commissioner Chapin voting NO, for a 4-1 vote, that the Commission recommend that the Board of Supervisors conduct a public hearing and adopt a CEQA determination of a Mitigated Negative Declaration and approve Zone Amendment 11-002, as amended, (removing the skeet shooting use, and adding conditions regarding the provision of water to downstream property owners, the requirement to maintain brush clearing along Inwood Road, and the requirement for a stop sign) based on the findings and subject to the condition listed in the Resolution.

Assistant County Counsel James Ross recommended that the Commission take action to continue the meeting and reconvene to review and take action on the revised Resolution.

ACTION: By motion made, seconded (Franks/Wallner), and carried unanimously, the Commission continued the meeting to August 15, 2014 at 4:00 p.m.

RECESS/ RECONVENE:

The Commission recessed at 7:11 p.m., on August 14, 2014, and reconvened at 4:00 p.m. on August 15, 2014, to review and take action on the revised Resolution. All Commissioners were present and staff present were: Richard Simon, James Ross, Lisa Lozier, and Dawn Duckett.

Director of Resource Management Richard Simon recommended the following revisions to the Resolution:

A. The property owner shall obtain an encroachment permit from Shasta County Public Works Department and perform vegetation control consistent with the mitigation measures contained in the C-R district and conceptual development plan on an annual basis; and

B. Stop sign(s) shall be installed at all points of egress from the project site onto Inwood Road; and

C. The property owner shall enter into an agreement with Sheridan Creek water rights holders located downstream of Assessor's Parcel Number 094-050-021 addressing water throughput to those water rights holders; and

D. The Skeet and Sport Clay Shooting portion of the conceptual development plan is removed.

Ken Murray suggested that Sheridan Creek be revised to "Sheridan Ditch." The Commission had additional discussions regarding water rights.

ACTION: By motion made, seconded (Wallner/Chapin), and carried unanimously, by Resolution 2014-012, 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 11-002, as amended (above) and further amended (changing Sheridan Creek to Sheridan Ditch), based on the findings and subject to the condition listed in the Resolution.

ADJOURNMENT: The Planning Commission adjourned at 4:16 p.m., on August 15, 2014.

Submitted by:

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Dawn Duckett, Staff Services Manager
Recording Secretary