

SHASTA COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting

Date: November 10, 2011
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL

Commissioners

Present:	Dick Franks	District 2
	James Chapin	District 1
	John Cornelius	District 3
	Roy Ramsey	District 4
	Darren Simmons	District 5

Staff Present: Richard Simon, Assistant Director of Resource Management
Rubin Cruse, County Counsel
Lisa Lozier, Senior Planner
Bill Walker, Senior Planner
Lio Salazar, Associate Planner
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 (Cornelius/Ramsey), and carried with Commissioners Cornelius, Ramsey, Simmons, and Franks voting AYE, and Commissioner Chapin abstaining, the Commission approved the minutes of October 13, 2011, as submitted.

CONSENT

ITEMS: None.

PUBLIC HEARINGS:

R1: **Use Permit Amendment 07-020A (Comingdeer)**: The project is located in the Keswick area on four parcels with a total area of 162.13 acres on the west side of Iron Mountain Road at the intersection of Iron Mountain Road and Laurie Ann Lane. The request is to amend the existing approved Use Permit for a quarry and gravel processing operation to include the proposed on-site operation of an asphalt concrete plant. No other changes are proposed to the existing Use Permit or operation. Staff Planner: Walker. District: 2. Proposed CEQA Determination: MND. Ex-parte Communications Disclosures: None.

Senior Planner Bill Walker recommended that the project be continued, as requested by the applicant, for an indefinite amount of time. 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 (Ramsey/Cornelius), and carried unanimously, the Commission continued Use Permit Amendment 07-020A to a date uncertain.

R2: **Parcel Map 11-002 (Hurner)**: The project site is located in the west Redding area at the northwest end of Sol Semete Trail. The request is to divide a 25.38-acre residential parcel into four parcels of 10.23 acres, 6.65 acres, 5.22 acres, and 3.28 acres. There is an existing residence and several barns and sheds on the proposed 10.23-acre parcel. Staff Planner: Walker. District: 2. Proposed CEQA Determination: MND. Ex-parte Communications Disclosures: None.

Senior Planner Bill Walker presented the staff report. The public hearing was opened and Ed Whitson, representing the applicant, spoke in favor of the project indicating that the conditions were satisfactory to the project applicant. 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 2011-038, the Commission adopted a CEQA determination of a Mitigated Negative Declaration and approved Parcel Map 11-002, based on the findings and subject to the conditions listed in the Resolution.

R3: **Parcel Map 10-005 (Tucker)**: The project is located in the Palo Cedro area on a 5.31-acre parcel on the northwest corner of the intersection of Boyle Road and Rocky Road. The request is for approval of a two-parcel residential land division. The division would create a 2.2-acre parcel and a 3.11-acre parcel. Each parcel would contain an existing single-family residence and accessory building. Staff Planner: Salazar. District: 3. Proposed CEQA Determination: ND. Ex-parte Communications Disclosures: None.

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 (Cornelius/Simmons), and carried unanimously, by Resolution 2011-039, the Commission adopted a CEQA determination of a Negative Declaration and approved Parcel Map 10-005, based on the findings and subject to the conditions listed in the Resolution.

R4: **Use Permit 11-004 Continued from 10/13/2011 and Subsequently Withdrawn (Powers-Maples):**
The project was to be located in the Palo Cedro area on a 7-acre parcel at the west end of Spyder Lane. The request was for approval of a Use Permit for a large animal veterinarian facility. Staff Planner: Walker. District: 3. Proposed CEQA Determination: MND. Ex-parte Communications Disclosures: None.

Senior Planner Bill Walker announced that the project had been withdrawn by the applicant. No action was taken by the Commission.

R5: **Zone Amendment 09-011 (Shasta County):** Zone Amendment 09-011 adding Section 17.88.320 to the Shasta County Zoning Plan establishing Development Standards for Medical Marijuana Cultivation. Staff Planner: Lozier. District: All. Proposed CEQA Determination: N/A. Ex-parte Communications Disclosures: None.

Commissioner Chapin announced that since he was not present for the public hearing on October 13, 2011, he would abstain from voting on the proposed ordinance and leave the meeting. Senior Planner Lisa Lozier presented the staff report. A memorandum was distributed containing public comment letters received by the Planning Division after the Planning Commission packets had been distributed. The public hearing was opened and speaking in favor of the proposed ordinance:

Speaker's Name

Comments/Issues/Concerns

Joanne Owen

Ms. Owen displayed a photograph and submitted a packet of information while discussing the need for higher fines and penalties in order to enforce the proposed ordinance.

Cameron Mooney, Sheriff's Office

Mr. Mooney submitted a packet of information and discussed the negative effects of marijuana cultivation, crime, real estate values, safety, odors, and other environmental concerns.

Cathy Grindstaff

Ms. Grindstaff concluded Mr. Mooney's discussion and spoke regarding potential abuses of the proposed ordinance and asked for a ban on all outdoor grows while allowing only specialized indoor grows.

Cindy Diezsi, Chemical People

Ms. Diezsi asked that all outdoor grows be limited to 100 square feet that plant-height limits be placed in the draft ordinance.

Betty Cunningham, Chemical People	Ms. Cunningham discussed a permitting process for cultivation and asked that monitoring provisions and higher fines and penalties be added to the draft ordinance.
Bridget McGinniss, High School Student	Ms. McGinniss discussed effects of the availability of marijuana on youth and the challenges of enforcing the proposed ordinance.
Brenda Massingham	Ms. Massingham discussed odors, safety issues, the number of patients per caregiver, and the need for higher fines and penalties.
Thomas Loop	Mr. Loop stated he was in favor of the ordinance and suggested that cultivation be banned on properties smaller than two acres. He also asked that fines and penalties be increased in the proposed ordinance.
Laura Lindsey	Ms. Lindsey spoke in favor of the ordinance and in favor of medical marijuana.
David Anderson	Mr. Anderson indicated that he was actually opposed to the ordinance and would speak again at the appropriate time.
Kerrie Hoppes	Ms. Hoppes discussed the negative effects of marijuana use on youths and said she was in favor of the proposed ordinance as a starting place for regulating cultivation.
Allen Tony	Mr. Tony discussed problems with existing grows near schools and voiced support for the ordinance.
Tom Bosenko, Sheriff	Mr. Bosenko said he was in favor of the proposed ordinance but opposed increasing grow areas. He recommended specific changes regarding grow area limits to the draft ordinance.
Kenny Elwood	Mr. Elwood suggested an alternative of only allowing corporate farming of medical marijuana.
Andrew Deckert, Public Health Officer	Dr. Deckert voiced support for the proposed ordinance but questioned the increase in grow-area limits. He asked that the Commission forward the ordinance to the Board of Supervisors along with a recommendation to increase fines and penalties.

Ken Coley

Mr. Coley said he supported the proposed ordinance and voiced concerns regarding child safety.

Elizabeth Prigmore, School Principal

Ms. Prigmore discussed the negative effects of marijuana use by youths.

Speaking in opposition to the proposed ordinance:

Speaker's Name

Comments/Issues/Concerns

Matt Arnerich

Mr. Arnerich voiced opposition to the square-foot limitations, setbacks from sensitive areas, as well as setbacks for oddly-shaped parcels.

Rob McDonald

Mr. McDonald discussed the benefits of medical marijuana and voiced opposition to the square-foot limitations for growing areas in the draft ordinance.

Lakka Shores

Ms. Shores discussed the use of medical marijuana versus the use of narcotics to control pain and voiced opposition to the square-foot limitations for growing areas in the draft ordinance.

Christina Fox

Ms. Fox discussed the benefits of medical marijuana and voiced opposition to the square-foot limitations for growing areas in the draft ordinance.

Jean Hosner

Ms. Hosner discussed the use of medical marijuana versus the use of narcotics and voiced opposition to the square-foot limitations for growing areas in the draft ordinance.

Susan Bryant

Ms. Bryant stated that the proposed ordinance was too restrictive and that the grow-area limitations would not produce sufficient yields to make cannabis teas.

Raquel Milligan

Ms. Milligan stated that the proposed ordinance was too restrictive and that according to SB 420, only the Attorney General may set limits on cultivation. She suggested that the County wait until the Attorney General provides guidance before adopting an ordinance.

Matthew Meyer	Mr. Meyer submitted a written statement and stated that the proposed ordinance was too restrictive and wouldn't allow patients to cultivate necessary amounts of cannabis. He suggested that the County regulate the number of plants rather than setting grow-area limitations in the ordinance.
Tammy Brazil	Ms. Brazil said she was opposed to the proposed ordinance and that cultivation should not be regulated by the County.
Krystal Troy	Ms. Troy agreed with the previous speakers and stated opposition to grow-area limitations and limiting indoor cultivation to detached structures.
David Anderson	Mr. Anderson discussed the benefits of medical marijuana and stated that existing laws were sufficient to regulate cultivation.
John Lane	Mr. Lane submitted a written statement and voiced opposition to the grow-area limitations in the proposed ordinance. He suggested a one-acre grow exemption for State-licensed cooperatives be included in the draft ordinance.
Kelsey Lane	Mrs. Lane voiced opposition to the grow-area limitations in the proposed ordinance and suggested that a work group be formed consisting of collective owners, law enforcement, and Planning staff to develop an ordinance.
James Benno	Mr. Benno stated opposition to restricting indoor cultivation to detached buildings and the proposed ordinance would discriminate against the poor. He opined that the County did not have the authority to regulate cultivation.
Mike Sherault	Mr. Sherault agreed with the previous speakers and stated that detached structures were cost prohibitive and difficult to access.
Jess Brewer	Mr. Brewer submitted a packet of information and discussed alternatives to the proposed ordinance.
Rodney Jones	Mr. Jones stated that the grow-area limitations would not be sufficient for families with more than one patient in the household. He also discussed the

issues involving enforcement of the indoor growing restrictions in the draft ordinance.

Terra Baker

Ms. Baker discussed the use of medical marijuana versus narcotics.

Jeff Hatlen

Mr. Hatlen stated that the grow-area restrictions in the proposed ordinance would not allow sufficient yields for making cannabis teas and butters used by patients that are not able to smoke.

Neil Fairburn

Mr. Fairburn discussed the use of medical marijuana versus the use of narcotics and voiced opposition to the square-foot limitations for growing areas in the draft ordinance.

Dave Driver

Mr. Driver discussed the benefits of medical marijuana.

Kory Lawrence

Mr. Lawrence discussed the benefits of medical marijuana and stated that quantity limits should be set by doctors rather than by a County ordinance.

Michael Hughes

Mr. Hughes stated that because the proposed ordinance was so restrictive, patients would be forced to obtain marijuana through drug cartels.

Jerald Lane

Mr. Lane discussed the use of medical marijuana versus the use of narcotics and voiced opposition to the square-foot limitations for growing areas in the draft ordinance.

Agusta Korencrovich

Ms. Korencrovich stated that there were exemptions from the 1,000-foot setback from sensitive uses listed in SB 420 and proposition 215.

Jess Hane

Mr. Hane agreed with the previous speakers.

There being no other speakers for or against the ordinance, the public hearing was closed. Commissioner Franks asked if non-smoking uses of marijuana had been considered when the square-foot limitations were placed in the draft ordinance and if the number of plants versus square-foot limitations were also considered. Richard Simon, Assistant Director of Resource Management answered that regardless of how the marijuana is ingested, the square-foot limitations were reasonable and that the Planning Division considered the use of the property rather than the number of plants to define the areas for cultivation. Commissioner Franks asked for clarification regarding the enforcement and penalties aspects of the proposed ordinance. County Counsel Rubin Cruse provided a summary of existing land-use enforcement and abatement procedures and Richard Simon added that other agencies were not precluded (by the proposed ordinance) from placing additional penalties and further prosecuting violators.

ACTION: By motion made, seconded (Cornelius/Ramsey), and carried with Commissioners Cornelius, Ramsey, Simmons, and Franks voting AYE and Commissioner Chapin abstaining, by Resolution 2011-040, the Commission recommended that the Board of Supervisors conduct a public hearing and find the project exempt from the California Environmental Quality Act (CEQA) and consistent with the County General Plan; and amend Shasta County Code, Title 17, Zoning Plan adding Section 17.88.320, Medical Marijuana Cultivation, and revising Section 17.94.060(C)(1), to include the Shasta County Sheriff as a concurrent enforcing officer of Title 17 with the Planning Director.

NON-HEARING ITEMS: None.

ADJOURNMENT: The Planning Commission adjourned at 4:56 p.m.

Submitted by:

Dawn Duckett, Staff Services Manager
Recording Secretary