

SHASTA COUNTY PLANNING COMMISSION

MINUTES

Regular Meeting

Date: November 14, 2013
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL

Commissioners

Present: Dick Franks District 2
Gene Parham District 3
Roy Ramsey District 4
Patrick Wallner District 5

Commissioners

Absent: Jim Chapin District 1

Staff Present:

Richard Simon, Director of Resource Management
Rubin Cruse, County Counsel
Bill Walker, Senior Planner
Carla Serio, Environmental Health Division
Eric Wedemeyer, 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), 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 (Ramsey/Parham), and carried unanimously, the Commission approved the minutes of October 10, 2013, as submitted.

CONSENT

ITEMS: None.

PUBLIC HEARINGS:

R1: **Administrative Permits 13-033, 13-034, and 13-035 (Tutor-Saliba):** The Tutor-Saliba Corporation has requested approval of Administrative Permits for Temporary Construction Activities on three sites in the Lakehead area in conjunction with the Antlers Bridge construction project on Interstate 5 and Shasta Lake:

1. Administrative Permit 13-033. The project is located on two vacant parcels totaling about 1 acre on the southeast side of Lakeshore Drive about 0.2 miles south of the intersection of Lakeshore Drive and Mammoth Drive. The request is for use of the site until June 2014 for storage of construction materials and fabrication of forms.
2. Administrative Permit 13-034. This project is located on a 0.47-acre site on the northeast corner of the intersection of Antlers Road and Grandpas Road. The request is for use of the site until March 2017 for office space and storage of tools and construction materials.
3. Administrative Permit 13-035. This project is located a 0.3-acre portion of an 11.8-acre parcel on the north side of the east end of Antlers School Road (a portion of the Canyon Elementary School site). The request is for use of the site until August 2015 for the storage of construction materials and the fabrication of forms.

Staff Planner: Walker. District: 4. Proposed CEQA Determination: CE. Ex-parte Communications Disclosures: None.

Senior Planner Bill Walker presented the staff report. A memorandum was distributed to the Commission containing a comment letter (opposing ADM 13-033) received by the Planning Division after the staff reports had been published.

The public hearing was opened and Tyler McDonald, representing the applicant, spoke in favor of the projects. Mr. McDonald said the applicant was agreeable to all conditions of approval and that issues with run-off would be addressed during the rainy season.

Paul Smith spoke in opposition to ADM 13-033 stating that issues with run-off had not been adequately addressed and that noise and dust created by the project had negative impacts to area businesses. Mr. Smith asked that the site be excluded from approval. There being no other speakers for or against the project, the public hearing was closed.

Bill Walker responded to questions from the Commission stating that the site (ADM 13-033) was covered in gravel and there should not be an issue with dust and that run-off was addressed during the storm water permitting process through the Regional Water Quality Control Board. Carla Serio, Environmental Health Division Director also responded to questions from the Commission. Ms. Serio told the Commission that the public water system on the site had been monitored and results were negative, sediment control measures are in place, and that the Environmental Health Division will do follow-up inspections.

Tyler McDonald confirmed that erosion control measures for the site were adequate. Mr. McDonald also stated that the applicant was not aware of any alternative sites within the project area but he would be agreeable to continuing ADM 13-033 to the December 2013 Planning Commission meeting so that additional research could be done.

ACTION: By motion made, seconded (Ramsey/Parham), and carried unanimously, the Commission continued Administrative Permit 13-033 to the December 12, 2013, Planning Commission meeting.

ACTION: By motion made, seconded (Wallner/Parham), and carried unanimously, by Resolution 2013-026, the Commission found Administrative Permit 13-034 Categorical Exempt from CEQA, and approved Administrative Permit 13-034, based on the findings and subject to the conditions listed in the Resolution.

ACTION: By motion made, seconded (Ramsey/Parham), and carried unanimously, by Resolution 2013-027, the Commission found Administrative Permit 13-035 Categorical Exempt from CEQA, and approved Administrative Permit 13-035, based on the findings and subject to the conditions listed in the Resolution.

R2: **Zone Amendment 13-006 (Shasta County – Family Care Residences)**: The Shasta County Planning Commission will conduct a public hearing to consider amending Section 17.88.210 “Family Care Residence” of Chapter 17.88 “Special Uses” of the Shasta County Code, establishing development criteria, term of permit and other standards for Family Care Residences within the unincorporated territory of Shasta County. Staff Planner: Simon. District: ALL. Proposed CEQA Determination: CE. Ex-parte Communications Disclosures: None.

Director of Resource Management Richard Simon presented the staff report. Mr. Simon noted that the draft resolution had been revised to include a finding that the Zone Amendment was consistent with the General Plan (as recommended in 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 (Ramsey/Wallner), and carried unanimously, by Resolution 2013-028, the Commission recommended the Shasta County Board of Supervisors conduct a public hearing and find the project Categorical Exempt from CEQA and consistent with the General Plan and adopt an ordinance amending Shasta County Code, Title 17, Zoning Plan revising section 17.88.210, Family Care Residence.

RECESS: The Planning Commission recessed at 3:00 p.m. and reconvened at 3:06 p.m.

R3: **Zone Amendment 13-005 (Shasta County – Medical Marijuana Cultivation)**: The Shasta County Planning Commission will conduct a public hearing to consider amending Section 17.88.320 “Medical Marijuana Cultivation” and Section 17.88.140 “Accessory Buildings and Uses” of Chapter 17.88 “Special Uses” of the Shasta County Code, regulating the location, number of plants and other aspects of medical marijuana cultivation and the location and size of permitted accessory buildings within the unincorporated territory of Shasta County. Staff Planner: Simon. District: ALL. Proposed CEQA Determination: CE. Ex-parte Communications Disclosures: None.

Director of Resource Management Richard Simon presented the staff report. A memorandum was distributed to the Commission containing comment letters received by the Planning Division after

the staff reports had been published. Mr. Simon noted minor amendments to the draft ordinance that was published in the staff report. The public hearing was opened and speaking in favor of the ordinance were:

<u><i>Speaker's Name</i></u>	<u><i>Comments/ Concerns</i></u>
Joann Owen	Ms. Owen discussed the costs of enforcement and the need for higher fines and penalties. She also suggested a limit of six plants.
Bob Burger	Mr. Burger discussed traffic impacts resulting from large grow operations and suggested a permitting process and fees to provide funding for enforcement.
Mary Twining	Ms. Twining discussed various problems with existing illegal growing operations.
Gayle Martin (Igo/Ono School Board)	Ms. Martin voice concerns regarding crime and impacts to children.
Cathy Grindstaff (A Sobering Choice)	Ms. Grindstaff stated that enforcement costs should be added to the ordinance.
Peter Scales	Mr. Scales stated that 12 plants was too many and discussed problems caused by existing medical marijuana (MMJ) growing operations and the need for higher fines and penalties.
Tom Bosenko (Sheriff)	Sheriff Bosenko presented a slide show of photographs depicting the environmental hazards and impacts caused by illegal MMJ growing operations in Shasta County.
DeWayne Little (Dept. of Fish & Wildlife)	Mr. Little presented slides and discussed environmental impacts from MMJ cultivation.
Andrew Deckert (Public Health)	Dr. Deckert discussed the negative effects on community health caused by marijuana use.
Betty Cunningham (Chemical People)	Ms. Cunningham discussed the impacts to youth and household pets.
Anita Joseph	Ms. Joseph agreed with the previous speakers and discussed impacts to children.
Ken Coley	Mr. Coley said that 12 plants were too many and suggested a tagging program for MMJ plants.

John Livingston

Mr. Livingston stated that indoor grows were difficult to enforce, fines should be issued immediately, and the ordinance should address water usage and run-off.

Dale Fletcher (Building Div. Mgr.)

Mr. Fletcher voiced support for the revised ordinance stating that the new ordinance will assist with enforcement efforts.

RECESS: The Planning Commission recessed at 4:42 p.m. and reconvened at 4:48 p.m.

Speaking in opposition to the ordinance were:

Speaker's Name

Comments/ Concerns

Jess Brewer

Mr. Brewer stated that the draft ordinance is too strict, cost-prohibitive to patients, and violates SB420. He also said that the requirement for building permits violates patient privacy and suggested a tagging program for plants.

Steve Goldsmith

Mr. Goldsmith discussed the benefits of MMJ and stated that the draft ordinance punishes legal MMJ growers.

Marsha Jones

Ms. Jones discussed patients' rights and read a statement from a physician regarding the benefits of MMJ.

Valarie Barker

Ms. Barker stated that indoor growing was cost-prohibitive to patients and discussed the benefits of MMJ.

William Waddle

Mr. Waddle voiced general opposition to the draft ordinance.

Rob McDonald

Mr. McDonald discussed the benefits of MMJ and voiced opposition to the draft ordinance.

Shari Houser

Ms. Houser stated that decreasing the amount of legal MMJ grows will in effect increase the number of illegal grows. She added that legal MMJ growers do not use pesticides that are harmful to the environment.

Rosemary Smith

Ms. Smith agreed with the previous speakers and stated that patients' needs can not be met by 12 plants. She also stated that fines and penalties should be increased for illegal grows and suggested

the County develop an industrial/agricultural program for MMJ cultivation.

Locke Palumbo

Mr. Palumbo discussed concerns regarding big government and stated that the draft ordinance restricts the rights of patients.

Dr. Tammy Brazil

Dr. Brazil stated that 12 plants is not a sufficient crop due to infestation by pests and that more plants are needed to make edible products and tinctures. She also discussed costs of power for indoor grows and the benefits of MMJ.

Gina Munday

Ms. Munday was opposed to restricting MMJ to indoor grows only and discussed the expense of having to build structures for MMJ cultivation.

Matthew Rifkin

Mr. Rifkin stated that 12 plants are not enough because tinctures require more plant products. He also discussed the economic consequences of the draft ordinance.

Karyl Morton

Ms. Morton discussed the medical benefits of MMJ and stated that the draft ordinance would create more illegal grows. She suggested taxing MMJ to raise funding for schools.

Debbie Jones

Ms. Jones voiced general opposition to the draft ordinance and discussed the medical benefits of MMJ.

Matt Arneich

Mr. Arneich stated that the County should enforce the current ordinance and the draft ordinance was unfair to patients.

Charles Brady

Mr. Brady stated that the draft ordinance is cost-prohibitive and forces patients to become criminals.

Guy Leach

Mr. Leach discussed the medical benefits of MMJ versus other prescription drugs.

Gerald Lane

Mr. Lane suggested a two-year residency requirement in order to grow outdoors. He also stated that 12 plants are not enough and the draft ordinance creates a demand for illegal product.

Gary Weiss

Mr. Weiss agreed with the previous speakers and stated that indoor grows are subject to infestation by mites.

Annalee Morris

Ms. Morris stated that as a landlord, she was not comfortable with being put in a position to sign a consent to cultivate MMJ for her tenants.

Casey Paulson

Mr. Paulson stated that it is time for change.

James Tedder

Mr. Tedder was opposed to restrictions being placed on the MMJ community.

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

County Counsel, in response to questions from the Commission, provided the status of current case law regarding MMJ and stated that permitting and tagging programs for MMJ remain highly questionable under Federal law.

Commissioner Franks cited concerns regarding the expense to patients being required to grow indoors and expressed interest in allowing a limited number of plants to be grown outdoors in low-density areas of the County.

Commissioner Parham stated that although the County has a problem with illegal outdoor grows, he was concerned with the cost of power and the rights of patients who live in apartments who would not be able to cultivate MMJ under the revised ordinance.

Commissioner Ramsey noted that although the revised ordinance would not solve the problems with drug cartels, he was in favor of restricting MMJ cultivation to indoors only.

Commissioner Wallner commented that patients who live in apartments are not able to cultivate MMJ under the current ordinance and that the land use issues caused by large outdoor grows need to be addressed.

MOTION: Commissioner Ramsey moved to recommend approval of Zone Amendment 13-005 as recommended in the staff report with the amendments recommended by staff. The motion was seconded by Commissioner Wallner, with Commissioners Parham and Franks voting NO, and Commissioners Ramsey and Wallner voting AYE for a 2-2 vote, the motion failed.

The Commission continued to discuss alternatives to the prior motion.

ACTION: Commissioner Franks motioned to continue Zone Amendment 13-005 and direct staff to include provisions for outdoor MMJ cultivation in low-density areas of Shasta County with a limit to the number of plants. The motion was seconded by Commissioner Parham, with Commissioners Parham, Franks and Wallner voting AYE, and Commissioner Ramsey voting NO for a 3-1 vote, the motion passed.

NON-HEARING ITEMS: None.

ADJOURNMENT: The Planning Commission adjourned at 7:18 p.m.

Submitted by:

Dawn Duckett, Staff Services Manager
Recording Secretary