

SHASTA COUNTY PLANNING COMMISSION MEETING

MINUTES

Regular Meeting

Date: January 14, 2016
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL

Commissioners

Present:

Gene Parham	District 3
Roy Ramsey	District 4
Jim Chapin	District 1
Tim MacLean	District 2
Patrick Wallner	District 5

Staff Present:

Richard Simon, Director of Resource Management
James Ross, Assistant County Counsel
Bill Walker, Planning Division Manager
Kent Hector, Senior Planner
Ken Henderson, Environmental Health Division
J.T. Zulliger, Shasta County Fire Department
Eric Wedemeyer, Public Works/Subdivision Engineer
Buffy Gray, Agency Staff Services Analyst I, 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).

OPEN TIME: No Speakers

NON-HEARING ITEMS:

- NH1:** Nomination and Election of Chairman and Vice-Chairman for 2016
- ACTION:** By motion made, seconded (Chapin/Ramsey), and carried unanimously, the Commission named Commissioner Parham to serve as Chairman for 2016.
- ACTION:** By motion made, seconded (Chapin/MacLean), and carried unanimously, the Commission named Commissioner Ramsey to serve as Vice-Chairman for 2016.

APPROVAL OF MINUTES:

December 10, 2015 - Minutes

By motion made, seconded (Ramsey/Chapin) carried by a 5-0 vote, the Commission approved the minutes of December 10, 2015, as submitted.

CONFLICT OF INTEREST DECLARATIONS: NONE

CONSENT ITEMS: NONE

PUBLIC HEARINGS:

R1: Ex-parte Communications Disclosures:

Commissioner Chapin disclosed he met with the applicant Frank Nichols in his office. He stated Mr. Nichols explained to him the process he has been going through on this project. Commissioner Chapin stated this interaction with Mr. Nichols will not affect his decision making process.

Commissioner Wallner disclosed the applicant Frank Nichols called and left a message at his office. Commissioner Wallner stated he returned the call thinking it was a client for his business, but quickly realized once he reached Mr. Nichols he was the applicant for the upcoming project to be presented at the Planning Commission meeting. At that time he advised Mr. Nichols he could not discuss the project with him. Commissioner Wallner stated he believes he would have an impartial view on the project.

ZONE AMENDMENT 15-008 & PARCEL MAP 12-002 (FALL RIVER DEVELOPMENT):

The project is located in the Shingletown area on a 61-acre parcel on the east side of Thatcher Mill Road, approximately 2.2 miles north of State Highway 44. The request is for: 1) the approval of a zone change from the Limited Residential (R-L) zone district to the Limited Residential, minimum lot area as shown on the parcel map (R-L-BSM) zone district on a 20-acre portion of the property and the Open Space, 40 acre minimum lot area (OS-BA-40) zone district on the remainder of the property; and 2) a Parcel Map to divide the property into four parcels being 3 to 10 acres in size, along with a 41-acre remainder parcel. Staff Planner: Kent Hector. District: 5. Proposed CEQA Determination: MND.

Senior Planner Kent Hector presented the staff report. A memo was presented to the Commission at the meeting with a letter from the Lassen Pines Mutual Water Company. Planner Hector answered questions from Commissioner Chapin regarding whether one well could be put in to provide water to all three parcels. Commissioner MacLean asked questions regarding zoning and lot sizes. Commissioner Wallner asked questions regarding water supply. Commissioner Parham asked questions regarding lot size, lot configuration, and whether there is access to Lot 4 on the south side of the lot.

The public hearing was opened.

The applicant Frank Nichols spoke in favor of the project. Mr. Nichols stated he hired professionals to conduct studies on the land and he has had other agencies also view the land. Mr. Nichols stated his design of the property split is to preserve the views for everyone. Mr. Nichols also discussed his design and development of Shasta Forest Village and The Vineyard near Simpson College. He stated those were successful developments and he expects this development to be a success as well. Mr. Nichols stated this project is only 3 new lots and is not a complete subdivision.

Commissioner MacLean asked the applicant if Lot 4 has legal access from Mountain Meadows Road.

Applicant Mr. Nichols stated yes.

Commissioner Chapin asked if you can use one well for multiple parcels.

Applicant Mr. Nichols stated that it may not be feasible.

Commissioner Wallner asked questions regarding flooding, Fish and Wildlife concerns, and stated that Lassen Pines Mutual Water Company may not supply the proposed new lots with water for domestic use.

Applicant Mr. Nichols stated the flooding concern is on the parcel that will not be developed and the concerns from Fish and Wildlife are also on the lot that will not be developed. Mr. Nichols stated he would rather drill 3 separate wells, one for each parcel.

Commissioner Parham commented on the configuration of Lot 2, he stated he would like to see it configured differently so the property would be more useable. Commissioner Parham also asked questions regarding the access to Lot 4.

Applicant Frank Nichols stated, if he remembers correctly, he was told there was a minimum lot size of 3 acres, but if not he can fix the configuration of the lot. Mr. Nichols stated he worked with Public Works to come up with the access to Lot 4 as it is.

Applicant Frank Nichols agreed to the conditions, but disagrees with delaying the project vote.

Speaking in Favor of the project:

Adam Morgan

Mr. Morgan stated he had concerns initially, but since he talked with the applicant he understands what he is proposing and he feels this is the best choice if this is going to happen.

Bernie Albers

Mr. Albers stated he thinks Mr. Nichols is a good developer and thinks the project should be approved.

Kirk Hayes

Mr. Hayes, Owner of Hayes Pumps stated there is no concern of water. He stated wells on Mr. Nichols Lots will not affect the water company. Mr. Hayes stated he did tests in the area at 31 feet down.

Speaking in opposition:

Charles Lejsek

Mr. Lejsek expressed concerns of severe flooding on the project site, view restrictions, and wildlife.

Duane Jones

Mr. Jones stated he has only lived in his home for 3 weeks. He expressed concerns about aesthetics and property values. Mr. Jones asked that the voting not be delayed and the project be rejected.

Mike Bartram

Mr. Bartram expressed concerns of wildlife and losing his view of the meadow. Mr. Bartram stated he would like the meadow to be preserved.

Richard Stewart

Mr. Stewart expressed concerns of flooding and the potential for sewage leaking into the meadow. He also expressed concerns regarding proposed leach lines polluting Battle Creek.

Erik Wahlman

Mr. Wahlman stated he is the Director of the Lassen Pines Mutual Water Company. He stated he is not for or against the project, but he expressed concerns of the availability of water for the proposed new lots. Mr. Wahlman stated he would like to see more studies done on water availability. He stated the fire hydrants with water from the water company could be used to help protect the new proposed lots.

Alice Kleez

Ms. Kleez expressed concerns about aesthetics and wildlife habitat.

Don Goodykoontz

Mr. Goodykoontz expressed concerns about losing his view. He also expressed concerns about having roads all around his property and how it would affect the value of his property.

Susan Gates

Ms. Gates expressed concerns of flooding on the project site, habitat, and views. She stated she would like to view the studies that were done for the project. (Ms. Gates was invited to the lobby of Shasta County Resource Management to view those documents.)

Joy Borchner

Ms. Borchner expressed concerns about flooding and placement of leach lines. Ms. Borchner also wants the information she presented to the Commission seen and taken into consideration before a decision is made on the project.

Applicant Frank Nichols addressed the flooding concerns in the area and also reassured the public that he has no intentions of blocking anyone from their view of the meadow.

Mr. Nichols answered questions from Commissioner Chapin in regards to fences being put up in the future and if the kind of fence could be restricted and controlled by Codes, Covenants, and Restrictions (CCRs). Commissioner MacLean asked questions regarding Lot 4 and a 30 foot setback. Mr. Nichols stated he has no problem putting fence restrictions in the CCR's and working with the neighbors on what kind of fence would be acceptable.

Eric Wedemeyer, Public Works/Subdivision Engineer stated that flag lot driveway improvement standards are not required when a lot has 100 feet of road frontage.

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

The Commission discussed the project, the fact that they had not had time to review the new information provided, concerns about flooding, groundwater availability for on-site wells, and the possibility to redesign parcels.

ACTION: By motion made, seconded (Ramsey/Chapin), and carried unanimously, the Commission continued Zone Amendment 15-008 & Parcel Map 12-002 (Fall River Development) to a date uncertain.

Non-Hearing Items:

NH2: Announcement of a special meeting set for January 21, 2016 to consider draft revisions to regulations related to medical marijuana cultivation and deliveries.

ADJOURNMENT: The Planning Commission adjourned at 03:59 p.m.

Submitted by:


Buffy Gray, Agency Staff Services Analyst I
Recording Secretary