

SHASTA COUNTY PLANNING COMMISSION MEETING

MINUTES

Regular Meeting

Date: June 9, 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
Tim MacLean	District 2
Jim Chapin	District 1
Patrick Wallner	District 5

Staff Present: Richard Simon, Director of Resource Management
Bill Walker, Planning Division Manager
James Ross, Assistant County Counsel
Lisa Lozier, Senior Planner
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 Speaker's

APPROVAL OF MINUTES:

May 12, 2016 - Minutes

By motion made, seconded (Chapin/Ramsey) carried unanimously by a 4-0 vote, the Commission approved the minutes of April 21, 2016, as submitted. Commissioner Wallner abstained due to the fact he was not present at the May 12th meeting.

CONFLICT OF INTEREST

DECLARATIONS: None

CONSENT

ITEMS: None

PUBLIC HEARINGS:

Ex-parte Communications Disclosures: None

R1: **TRACT MAP 1992 (RICKS) - EXTENSION OF TIME**: The project is located in the Palo Cedro area on the east side of Silverbridge Road, approximately 1.3 miles south of the intersection of Silverbridge Road and State Highway 44. Russell Ricks has requested approval of a 3-year extension of time for a previously-approved subdivision of a 154.97-acre portion of a parcel into eleven parcels, including six parcels ranging in size from 10 acres to 10.26 acres; one parcel of 13.68 acres; and four parcels ranging in size from 20 to 20.59 acres. Staff Planner: Lisa Lozier. District: 5. Proposed CEQA Determination: N/A.

Senior Staff Planner Lisa Lozier presented the staff report.

The public hearing was opened.

There being no speakers for or against the project extension of time, the public hearing was closed.

ACTION: By motion made, seconded (Wallner/MacLean), and carried unanimously by Resolution 2016-014, the Commission found that the extension of time is not subject to the requirements of CEQA and approved a 3 year extension of time for Tract Map 1992 (to May 13, 2019) based on the findings listed in the Resolution, and subject to the conditions listed in the original Resolution of approval (Planning Commission Resolution 2010-020).

Ex-parte Communications Disclosures: None

R2: **VARIANCE 16-002 (JACOBS)**: The project is located in the Lakehead area on a 6-acre parcel on Coal Creek Road approximately 0.5 miles south of Gilman Road. James Jacobs has requested approval of a Variance to construct an equipment storage building that exceeds the 15-foot height limitation for residential accessory structures in the National Recreation Area, Shasta Unit. The proposed structure would be 19.5-feet in height. Staff Planner: Lisa Lozier. District: 4. Proposed CEQA Determination: CE.

Senior Staff Planner Lisa Lozier presented the staff report.

The public hearing was opened.

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

ACTION: By motion made, seconded (Chapin/Ramsey), and carried unanimously by Resolution 2016-015, the Commission found that the Variance is Categorical Exempt from CEQA and approved Variance 16-002 based on the findings and subject to the conditions listed in the Resolution.

Ex-parte Communications Disclosures: None

R3

ZONE AMENDMENT 15-008 & PARCEL MAP 12-002 Continued from 01/14/16 (FALL RIVER DEVELOPMENT, INC.): 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 Staff Planner Kent Hector presented the project and answered questions from Commissioner Wallner regarding PG&E and water rights. Mr. Hector stated he has not received any return calls from PG&E on this project. Commissioner Parham asked what is meant by "Orderly development," asked if the remaining parcel can't be split then why in the conditions does it talk about a parcel map, and asked about the 100 foot setback requirement. Planning Division Manager Bill Walker responded to the question regarding orderly development. Mr. Walker stated orderly development means that the development is consistent with the County General Plan and Zoning Ordinance. Mr. Hector stated for the remainder parcel the property owner could go through the permitting process to obtain a parcel map for 1 parcel and go through the CEQA process in order to develop the remainder parcel. Mr. Hector stated the 100 foot setback recommended by CalFire is not a requirement only a recommendation, the 30 foot setback is the requirement. Commissioner Chapin asked whether there are conditions relating to fences. Mr. Hector stated there are no conditions on fencing. Commissioner Parham asked if Lot 1 is in the flood zone and whether you can build in the flood zone as long as the pad is built up 1 foot above the flood elevation and whether the pictures that were received by the Commission were considered in the decision of staff recommendation. Mr. Hector stated yes, Lot 1 is in the flood zone and yes, you are allowed to build in the flood zone area. Mr. Hector also stated there is a condition that requires the driveway to be elevated as well. Mr. Hector stated the pictures were considered during the January 14, 2016 Planning Commission hearing and that is what prompted the flood study.

The public hearing was opened and the applicant Frank Nichols spoke in favor of the project. Mr. Nichols stated he followed through with having a flood study and ground water study completed and feels the departments are satisfied with the results of the study. Commissioner Parham asked whether or not the applicant had anything to do with the development of the surrounding subdivision and whether the applicant agrees to the recommended conditions. The applicant Frank Nichols stated he did not have anything to do with the development of the surrounding subdivision and he agrees to the recommended conditions.

The public hearing was opened.

Speaking in favor of the project:

Adam Morgan stated he and his wife own property adjacent to the project and have had an open dialog with Mr. Nichols regarding the project and he is in support.

Speaking in opposition to the project:

Randi Clemits expressed concerns about aesthetics and the effects the project will have on wildlife and property values.

Duane Jones presented flood pictures to the Recording Secretary prior to the meeting. Those pictures were distributed to the Commission. Mr. Jones expressed concerns about aesthetics and flooding. He is concerned that if the proposed building site and driveway on Lot 1 is elevated this will create more flooding and flood his cabin. Commissioner Parham asked if Mr. Jones' cabin has ever flooded. Mr. Jones stated it has never flooded, but it has come close on several occasions. Commissioner Wallner asked if Mr. Jones is the one who took the pictures and if the flooding issue was disclosed to him when he bought the property. Mr. Jones stated he did not take the pictures and the cabin belonged to his deceased brother and he never said anything to him about it flooding.

Alice Kleez expressed concerns about taking down trees and the wildlife.

Mike Bartram expressed concerns about water and aesthetics. Mr. Bartram stated this is a destructive project.

In rebuttal, Applicant Frank Nichols addressed flooding concerns. Mr. Nichols stated that raising the foundation and driveway by only a foot would not have a significant impact on other properties. Commissioner Wallner asked for clarification on the 100 year flood plain in relation to raising the driveway and foundation. Mr. Nichols explained the information from the flood report.

Ron Schuler asked if the needs of one outweighs the needs of others. Mr. Schuler expressed concerns about aesthetics.

Linda Clark expressed concerns about flooding and septic systems potentially leaching into Lake McCumber.

Duane Jones expressed concerns about flooding due to the elevating of the driveway and foundation on Lot 1.

Applicant Frank Nichols stated that this simple 4 lot split has been costly and difficult. Mr. Nichols stated he has cooperated with everyone during this process.

The public hearing was closed.

Commissioner MacLean stated the studies show houses already in the flood zone and asked if this information meets the requirements of CEQA. Senior Staff Planner Kent Hector stated the department had limited information regarding the adjacent properties and focused on how the proposed project may affect septic systems on the adjacent properties. Mr. Hector stated he consulted with the Environmental Health Division on this which reviewed the flood studies, and concluded that the project adjoining septic systems would still meet applicable standards.

Commissioner Chapin asked if California Fish and Wildlife reviewed the studies and are in agreement with the project. Mr. Hector stated yes they have reviewed the studies and are in agreement.

Commissioner Parham asked if this project meets all standards without any variances and asked what the size range is for the adjacent lots. Mr. Hector stated there are no variances for this project and lot sizes on adjacent properties range from 1-3 acres.

Commissioner Wallner stated as far as water concerns, he is satisfied by the studies presented.

Director of Resource Management Richard Simon discussed flood zones and studies. Mr. Simon read an excerpt from the zoning code which addressed the F2 zone: "For purposes of this ordinance, adversely affect means any significant detrimental effect on a cumulative basis which would result in increasing the water surface elevation of the base flood more than one foot at any point". (Shasta County Code Section 17.70.020). The proposed project would result in a water surface elevation increase of 0.6 of an inch. Mr. Simon stated this area has not been determined to be in the F1 or F2 flood zone area because it has not been studied by FEMA.

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

ACTION: By motion made, seconded (Chapin/Ramsey), and carried unanimously, 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 15-008, based on the findings and subject to the condition listed in Resolution 2016-016, and by Resolution 2016-017, adopted the CEQA determination of a Mitigated Negative Declaration and approved Parcel Map 12-002, based on the findings and subject to the conditions listed in the Resolution.

PLANNING COMMISSIONERS REPORT

Planning Commissioner Training Workshop, April 16, 2016, Sacramento, CA—Commissioner Wallner/Commissioner MacLean

Commissioners MacLean and Wallner discussed the Planning Commission Training Workshop.

PLANNING DIRECTOR'S REPORT

R4 Update on letter and open time comment received from Sue Horkey during April 21, 2016 Planning Commission meeting.

A memo was presented to the Commission prior to the meeting with a letter attached from Sue Horkey that was received by the Planning Division on the morning of June 9, 2016. Along with Ms. Horkey's letter she attached the June 1, 2016 memorandum, her letter from April 21, 2016 Planning Commission meeting, a copy of a recorded covenant from 2014, an e-mail from County Fire Marshal J.T. Zulliger, and minutes from April 21, 2016 Planning Commission meeting.

Planning Division Manager Bill Walker discussed the letter from Sue Horkey and recommended the Commission take no action on this item.

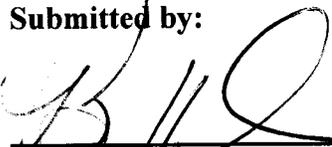
Director of Resource Management Richard Simon recommended that Ms. Horkey contact individual agencies such as Department of Public Works, CalFire, California Department of Fish

and Wildlife, and the Planning Division to discuss the requirements and fees that may be associated with a parcel map prior to applying.

Commissioner MacLean reiterated that Ms. Horkey would be able to discuss the process and fees associated with a parcel map prior to applying for the parcel map.

ADJOURNMENT: The Planning Commission adjourned at 03:50 p.m.

Submitted by:



**Buffy Gray, Agency Staff Service Analyst I
Recording Secretary**