

# SHASTA COUNTY PLANNING COMMISSION MEETING

---

## MINUTES

### Meeting

Date: January 11, 2018  
Time: 2:00 p.m.  
Place: Shasta County Administration Center  
Board of Supervisors' Chambers

## Flag Salute

## ROLL CALL

### Commissioners

|                 |                 |            |
|-----------------|-----------------|------------|
| <b>Present:</b> | Tim MacLean     | District 2 |
|                 | Jim Chapin      | District 1 |
|                 | Steven Kerns    | District 3 |
|                 | Roy Ramsey      | District 4 |
|                 | Patrick Wallner | District 5 |

**Staff Present:** Richard W. Simon, Director of Resource Management  
James Ross, Assistant County Counsel  
Kim Hunter, Planning Division Manager  
Bill Walker, Senior Planner  
Lio Salazar, Senior Planner  
Ken Henderson, Environmental Health Division  
Jimmy Zanotelli, Shasta County Fire Marshal  
Eric Wedemeyer, Public Works/Subdivision Engineer  
Jessica Cunningham-Pappas, Staff Services Analyst II/Recording Secretary

**Note:** All unanimous actions reflect a 5-0 vote.

**PUBLIC COMMENT PERIOD - OPEN TIME:** No Speakers.

**R1:** **PRESENTATION**  
Director of Resource Management Rick Simon presented a certificate of appreciation to Commissioner Ramsey for his exceptional service as Chairman in 2017.

**R2:** **APPROVAL OF MINUTES:**  
By motion made, seconded (Chapin/Wallner) and carried unanimously, the Planning Commission approved the Minutes of December 14, 2017, as submitted.

**CONFLICT OF INTEREST DECLARATIONS:** None.

**PUBLIC HEARINGS:**

PLANNING COMMISSION MEETING MINUTES

January 11, 2018

1 of 7

**Ex-parte Communications Disclosures:** None.

**R3:** **TRACT MAP 1900 (Ricks) – 2<sup>nd</sup> Extension of Time:** The applicant has requested a second extension of time for approved Tract Map 1900. The project is located in the Palo Cedro area on a portion of a 207-acre parcel on the east side of Silver Bridge Road. The Planning Commission approved Tract Map 1900 on June 8, 2006 to create five residential parcels of 10 to 11.64 acres, and a 158.84-acre remainder parcel. **Applicant:** Russell Ricks et al; **Assessor's Parcel Numbers:** 058-300-060-000 and 060-070-067-000; **Project Location:** 1.3 miles south of the intersection of Silver Bridge Road and State Hwy 44; **Supervisor District:** 3 & 5; **Recommended Environmental Determination:** Exempt under the "General Rule" exemption; **Planner:** Bill Walker, Senior Planner. **Simple Majority Vote.**

Senior Planner Bill Walker presented the staff report. Mr. Walker noted an attached response memo addressing a letter of opposition received from Laura Redwine. Mr. Walker responded to questions from Commissioners Wallner and Chapin.

Mr. Simon noted that the Planning Commission is limited in its consideration of the project to either approve or not approve the extension, or to visit those aspects that have to do with time.

Public Works Supervising Engineer Eric Wedemeyer noted he had looked at speed and traffic counts for Silver Bridge Road. Mr. Wedemeyer noted that they have no traffic counts for south of 44 as he has received no complaints.

Commissioner MacLean confirmed with Commissioners they had received a copy of a letter from Robert Hansen and Kathryn Svoboda. Chairman MacLean opened the public hearing.

*Speaker's Name*

*Comments/Concerns/Questions*

Ted Carr

Mr. Carr expressed concern that there were two current developments contiguous to each other and that the project is listed in the MLS and promoted as one house attached to a fifteen parcel subdivision. Mr. Carr believed it was misleading when he looked at the project's files because the application was a five acre division initially, followed by another division later for a total of 15 parcels plus the existing house. Mr. Carr expressed concerns about wells and water.

Hope Bjerke

Ms. Bjerke stated she lives off of Silver Bridge Road and voiced concerns about traffic. She expressed concern about fires and a single exit from homes off of Silver Bridge Road to Hwy 44. Ms. Bjerke stated she received no notification about the proposal.

Peg Moseman

Ms. Moseman expressed concerns over traffic merging onto Hwy 44. She noted she lives off of Silver Bridge Road and that parents were starting to use Silver Bridge Road to get to

school. She expressed concern over water due to the drought.

Virgil Smith

Mr. Smith stated he lives down Silver Bridge Road. He expressed concerns over traffic. Mr. Smith expressed concern over the geology of the area. He noted that he lives in hard pan and that any moisture turns it to mush. Mr. Smith was concerned about drainage of septic systems from hard pan into the creek.

Corkey Harmon

Mr. Harmon mentioned he was part of the subdivision with Russell Ricks and that he lives on Silver Bridge Road. He noted the project will provide an additional fire exit. Mr. Harmon acknowledged concerns about traffic adding that the amount of traffic has not changed on Silver Bridge Road since the original subdivision permit was approved; however, traffic on Hwy 44 has changed. Mr. Harmon stated that fire mitigation through brush clearing has already been undertaken. Mr. Harmon noted he has three wells on his property and there are no water table problems in that area. He further expressed he was neighbors and friends with several of the speakers and didn't want them to think he would do anything to degrade the neighborhood.

Chairman MacLean called for any other speakers. There being none, the public hearing was closed.

Commissioner Chapin asked for further information about the 15 lots that Mr. Carr spoke about. Mr. Walker noted that parcels that are part of Tract Map 1900 face the front of Silver Bridge Road. There are other parcels that share the same access road, but of a different map and approved at a different time with different conditions. Commissioner Kerns asked about the location of the fire access road. Mr. Walker stated it connected with Bass Pond Road.

Commissioner MacLean requested Mr. Simon explain the notification process for projects. Mr. Simon responded. Mr. Walker stated he started at Hwy 44 and included every parcel that accessed Silver Bridge Road to Melisa Drive and some parcels on Bass Pond Road.

Commissioner MacLean noted that the staff report included a sentence noting no substantial changes to the project or to the circumstances to which the project had been proposed to be undertaken and there was no new information of substantial importance showing unanalyzed environmental effects. It was his understanding that these issues were all looked at with the original approval. Mr. Simon confirmed this was correct.

Commissioner Kerns asked about traffic impacts since 2006. Commissioner Kerns asked about the possibility of delaying the Planning Commission's decision until additional information was received specific to traffic. Commissioner Ramsey commented that one of the speakers noted the school had changed their patterns and that additional traffic from the school was hardly the responsibility of the applicant.

## **PLANNING COMMISSION MEETING MINUTES**

**January 11, 2018**

**3 of 7**

Commissioner MacLean asked if the project was continued to a date beyond the map's expiration date, could the map be kept alive until a final decision was made since it was being discussed prior to expiration. Mr. Simon noted that practically speaking it could be. Once a request for an extension is submitted, if prior to the expiration, there is an automatic extension of time for sixty days or until the decision making body takes action. The consequence of not doing so within that period of time is not made clear in the regulation. Discussion centered on the status of the map extending beyond the sixty day period. Mr. Ross stated he was not aware of any case law that specifically discusses the sixty day extension and what happens if the Planning Commission does not act within that time.

A motion to approve was made, seconded (Ramsey/Wallner). Chairman MacLean opened the vote to further discussion. Commissioner Wallner expressed concern over financial liability to the County and a financial burden for the applicant to re-apply for a Tract Map. Commissioners Ramsey, Wallner, and MacLean voted AYE, and Commissioners Chapin and Kerns voted NO for a 3-2 vote. The Planning Commission adopted a resolution to 1) find that the project is exempt from the California Environmental Quality Act (CEQA) under the "General Rule" exemption (CEQA Guidelines, Section 15061(b)(3), and 2) approve a 3 ½-year extension of time for Tract Map 1900, based on the recommended findings and subject to the conditions listed in Planning Commission Resolution No. 2006-094.

Chairman MacLean called a five minute recess to review a letter received by the Planning Commission.

Chairman MacLean called the meeting back to order at 2:53p.m.

**Ex-parte Communications Disclosures:** None.

**R4:**            **USE PERMIT 17-004 (GILL):** Use Permit 17-004 would allow a contractor's equipment storage yard, including a 7,352-square-foot building containing office space, warehouse space, and covered storage space; an 1,800-square-foot shed; outdoor storage of equipment, vehicles, and other materials used in the contractor's business; maintenance of contractor's equipment; and outdoor storage and sales of septic tanks and horse troughs. **Applicant:** Tracy and Allen Gill; **Assessor's Parcel Numbers:** 059-110-080-000; **Project Location:** In Palo Cedro, at the terminus of Palo Way, approximately 0.15 miles east of Deschutes Road; **Supervisor District:** 3; **Recommended Environmental Determination:** Mitigated Negative Declaration; **Planner:** Lio Salazar, Senior Planner. **Simple Majority Vote.**

Senior Planner Lio Salazar presented the staff report. Mr. Salazar noted the project had received two public comment letters; a property owner located in a subdivision to the south and Junction School. A response to the comments was provided in the staff report. Mr. Salazar noted elimination of the precast concrete operation would reduce many of the concerns. Recommended changes to the conditions of the project were noted in the memorandum to the Planning Commission.

Commissioner Wallner asked about the noise generated by the project. Mr. Salazar stated that noise would be from normal operations of a typical contractors business (work trucks and diesel trucks).

Chairman MacLean opened the public hearing.

*Speaker's Name*

*Comments/Concerns/Questions*

Dwayne Miller

Mr. Miller stated he was the applicant's engineer and that he had reviewed the modified conditions with staff and was in agreement. He offered to answer any questions.

Richard Gifford

Mr. Gifford stated he is the Superintendent of Junction Elementary School. Mr. Gifford noted that the school had not received the initial notice dated October 23, 2017, however, they did receive the December 1, 2017 notice. Mr. Gifford stated that several concerns were eliminated with the removal of concrete operations. He noted Junction Elementary is on a well and he wanted assurance that no toxins would get into the drinking water of students.

Hope Bjerke

Ms. Bjerke stated she is the President of the Junction School Board and that they had not received notification of the project, nor did the applicant work with anyone at the school. She stated families near the development let the school know about the project. Ms. Bjerke asked why people who should be aware of the project were not notified.

Brian Howell

Mr. Howell expressed concern about the concrete mixer and noise. He noted he was pleased to hear the concrete mixer was not included in the project. Mr. Howell asked for assurance that the concrete mixer would not be added back in at a later time. He noted that from what he has seen, the applicant wants the project to look good for the neighborhood.

Ishmael Rivas

Mr. Rivas stated he owns the property directly behind the project and that he values property rights. He expressed concern about the volumetric mixer. He asked the Planning Commission if the memorandum was saying that the concrete volumetric mixer was being pulled out at this moment or could it be added in later.

Allen Gill

Mr. Gill identified himself as the owner of the project. He assured neighbors he would not be pouring concrete and that the concrete business had sold. Mr. Gill noted he had backhoes and dump trucks as part of the business and that most of his work was out of the area. He expressed concern about the flexibility of work starting before 7a.m. and after 5p.m. due to the nature of the business. Mr. Gill noted he would be conscious of not loading equipment at 3a.m. and his respect for his neighbors, but that the project was a construction yard.

Su Russell

Ms. Russell identified herself as owning 33 of the 41 lots. She expressed concern about water runoff and light pollution in the neighborhood. Ms. Russell noted a seasonal creek nearby and had questions about the detention basin related to its purpose and impact on clean water and mosquitos.

Chairman MacLean called for any other speakers. There being none, the public hearing was closed.

Chairman MacLean asked for clarification on the hours of operation and information about the detention basin and its function. Mr. Salazar noted that condition 46 does account for Mr. Gill's type of operation and that flexibility was built into operating hours as the condition related primarily to concrete operations. Mr. Salazar noted that for the volumetric mixer to make its way back into the project would require an amendment to the use permit, an environmental review process, and a public hearing before the Planning Commission.

Mr. Salazar noted the function of the detention basin was to mitigate any potential downstream flooding from the project from runoff generated from impervious areas of the property and some semi-pervious areas within the outdoor storage area. He noted it was designed to empty; not to be a breeding ground for mosquitos by holding water. He stated its primary function was not to remove pollutants from storm water that may be present and that a number of best management practices were incorporated in the conditions of approval.

Mr. Salazar reported that in response to lighting, there are measures in the Mitigated Negative Declaration that are stringent (dark sky requirements and no fixtures within close proximity to the residential subdivision and no fixtures to the south of the outdoor storage area). Mr. Salazar mentioned that when the Planning Department received a letter from a neighbor who was concerned about the school's knowledge of the project they contacted the school and initiated discussion about the project.

**ACTION:** By motion made, seconded (Kerns/Chapin), and carried unanimously the Planning Commission adopted a resolution to 1) make the environmental findings and adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration and 2) Make the Use Permit findings and approve Use Permit 17-004, subject to the conditions listed in the attached resolution, as amended.

**NON-HEARING ITEMS:** None.

## PLANNING COMMISSION MEETING MINUTES

January 11, 2018

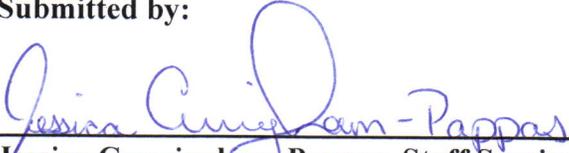
6 of 7

**CONSENT ITEMS:** None.

**PLANNING DIRECTOR'S REPORT:** None.

**ADJOURNMENT:** The Planning Commission adjourned at 3:30p.m.

**Submitted by:**



---

**Jessica Cunningham-Pappas, Staff Services Analyst II**  
**Recording Secretary**