

SHASTA COUNTY PLANNING COMMISSION MEETING

MINUTES

Meeting

Date: September 13, 2018
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors' Chambers

Flag Salute

ROLL CALL

Commissioners

Present: Tim MacLean District 2
Jim Chapin District 1
Steven Kerns District 3
Roy Ramsey District 4
Patrick Wallner District 5

Staff Present:

Paul A. Hellman, Director of Resource Management
James Ross, Assistant County Counsel
Kim Hunter, Planning Division Manager
Lisa Lozier, Senior Planner
Lio Salazar, Senior Planner
David Schlegel, Associate Planner
Luis Topete, Associate Planner
Jimmy Zanolli, Shasta County Fire Marshal
Eric Wedemeyer, Public Works/Subdivision Engineer
Brandon Magby, Public Works/Administration & Engineering
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: APPROVAL OF MINUTES:
By motion made, seconded (Ramsey/Wallner) and carried unanimously, the Planning Commission approved the Minutes of August 9, 2018, as submitted.

CONFLICT OF INTEREST DECLARATIONS: Commission Kerns declared a conflict of interest for Item NH1 due to Sierra Pacific Industries being one of his clients.

PUBLIC HEARINGS:

Ex-parte Communications Disclosures: None.

R2: Variance 18-0003 (Kronick) continued from August 9, 2018: The applicant has requested approval of a variance from the maximum 15-foot building height limit for residential accessory buildings to construct a 900-square-foot RV garage with a height of 19 feet, and a variance from the 20-foot front yard setback requirement of the Shasta County Zoning Plan for a setback of 6 inches from the edge of the road easement in the National Recreation Area, Shasta unit (NRA-S) district. Applicant: John and Charlene Kronick; Assessor's Parcel Number(s): 085-320-032-000; Project Location: Lakehead Area on a 4.14-acre parcel approximately 0.1 miles south of the intersection of O'Brien Mountain Road and Grey Fawn Trail (17528 Grey Fawn Trail); Supervisor District: 4; Recommended Environmental Determination: Categorically Exempt; Planner: Luis Topete, Associate Planner. Simple Majority Vote.

Associate Planner Luis Topete presented the staff report, noting that since the application was submitted, amendments to the zoning plan had increased the maximum height for a residential accessory structure from 15 feet to 20 feet for the project's zone district.

Mr. Topete summarized the concerns of two neighboring property owners. Due to comments raised at the August 9th meeting, the Planning Commission continued the item to allow staff time to work with the applicant to explore the possibility of relocating the proposed structure to the west side of the gravel area. Mr. Topete reviewed the applicant's response.

Commissioner Kerns asked if there were any new comments. Mr. Topete stated no new comments had been received by the Department. Chairman MacLean confirmed the setback variance for the existing house was a zero setback. Mr. Topete affirmed it was. Chairman MacLean asked if there were other variances within the area. Mr. Topete affirmed there appeared to be one on a property to the north, but no others within a mile.

Chairman MacLean opened the public hearing and asked if the applicant was available.

Owner John Kronick stated he was requesting a variance for the setback to build a garage to park a recreation vehicle or boat. Mr. Kronick noted the Fire Marshal and Public Works Department had addressed drainage and fire safety. He maintained neighboring trees, bushes and telephone poles nearby appeared to pose more of a fire threat to the roadway than the proposed structure. Commissioner Chapin asked about the proposed building's dimensions. Mr. Kronick responded it was 30-feet-by-30-feet and that given the size of the proposed structure, it did not appear feasible to move the building elsewhere. Mr. Kronick noted that an architectural committee and board of directors for the community had approved the project. Mr. Kronick stated that cones had been placed in several locations on the property to find a place he could navigate a trailer by trial and error. Discussion centered on possible locations, access, and the location of the existing above ground propane tank in relation to the proposed structure.

Speaker's Name

Comments/Concerns/Questions

Tracy Novogrodsky

Ms. Novogrodsky shared photographs with the Planning Commission and expressed concerns about the narrowness of Grey Fawn Trail, the height of the bank next to the road, the 6-inch setback variance request and flammable items near the roadway. Ms. Novogrodsky noted issues with erosion could

probably be mitigated and that the community association only looks at projects from the standpoint of meeting CC&R's; leaving approval of the project up to the County. Commissioner Kerns asked for clarification on photographs and Commissioner Chapin asked about the road width and road bed. Ms. Novogrodsky responded.

Kurt Olson

Mr. Olson, the Kronick's contractor, affirmed his opinion that the proposed location was the only location on the property where a garage could be built to suit the purposes proposed. Mr. Olson discussed materials to be used, the proposed gutter and downspout, and the potential to redirect runoff underground. Mr. Olson stated he was not aware of any erosion issues. Commissioner Chapin asked about other potential locations. Mr. Olson noted setback requirements for the propane tank, a 50-foot turn radius, and retaining wall.

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

Commissioner Ramsey commented he has lived in this area for many years, there were not many building spaces, and that all roads in the area are narrow. Commissioner Kerns stated this was a tough project and that he was sympathetic to the owner and to concerns of neighbors. He elaborated he felt there were lot restrictions for a reason and a recreational vehicle was not something required for the livelihood of an applicant. Commissioner Kerns requested looking for a way to place the building that would alleviate the concerns of the landowner and stay within the limits of County requirements. Commissioner Chapin agreed with Commissioner Kerns and asserted the variance did not meet all required findings, noting he felt setback restrictions were established for a reason and that the applicant could make some changes (i.e., size of the building, putting in more fill, or making a few changes to the driveway). Commissioner Wallner noted the primary residence was already on a zero setback and acknowledged the concerns relative to the collapse of the building onto the roadway and egress.

Chairman MacLean stated that when first looking at the variance of 6 inches versus a standard 20-foot setback it seemed significant; however, after Commissioner Ramsey's comments regarding other buildings in the area, it appeared other buildings were close to or within road easements. Chairman MacLean agreed with Commissioner Chapin that it was challenging to conclude the required variance findings had been met. Commissioner Chapin recommended a continuance for a more reasonable variance. Chairman MacLean suggested going beyond this recommendation to show that houses in this neighborhood, as a norm, are much closer to the legal easements than the required 20 feet and if they are within a 0–5 foot range, the variance may be reasonable.

Chairman MacLean re-opened the public hearing.

Charlene Kronick asked for clarification on what the Planning Commission was requesting. Commissioners Chapin, Kerns, and MacLean responded.

Tracy Novogrodsky commented that just because there was a precedent set for what existed on the mountain for a setback does not mean it should continue this way, especially given the fire risk that

has been seen.

By motion made, seconded (Kerns/Chapin) and carried 4-1, Commissioner Ramsey voting NO, the Planning Commission continued Variance 18-0003 to a date uncertain to request additional information as discussed at the meeting to allow staff time to work with the applicant to address concerns of the setback from the road.

Ex-parte Communications Disclosures: None.

R3: **Tract Map 1973 – (Barzin Trust) 2nd Extension of Time 18-0003:** The applicant has requested a second extension of time for approved Tract Map 1973 for the creation of three residential parcels that range in size from 3.08 acres to 3.79 acres, with a 17.9-acre remainder parcel. The Planning Commission approved Tract Map 1973 on August 13, 2009, and a first discretionary extension of time on September 10, 2015. Applicant: Barzin Trust; Assessor's Parcel Numbers: 306-050-004 and 306-050-005; Project Location: Mountain Gate area on a 28.3-acre parcel on the south side of Union School Road at the intersection of Union School Road and Walter Avenue. Supervisor District: 4; Recommended Environmental Determination: Not subject to the California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment; Planner: Lisa Lozier, Senior Planner. Simple Majority Vote.

Senior Planner Lisa Lozier presented the staff report.

Chairman MacLean opened the public hearing. There being no speakers, the public hearing was closed.

By motion made, seconded (Wallner/Ramsey) and carried unanimously, the Planning Commission adopted a resolution that: a) finds that the extension of time is not subject to the California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment; b) adopts the recommended findings listed in Resolution 2018-024; and c) approves a 3-year Extension of Time for Tract Map 1973, based on the recommended findings and subject to the conditions listed in Planning Commission Resolution No. 2009-038.

Ex-parte Communications Disclosures: None.

R4 **Tract Map 1985 – (Barzin Trust) 2nd Extension of Time 18-0004:** The applicant has requested a second extension of time for approved Tract Map 1985 for the creation of four residential parcels that range in size from 2.4 acres to 2.9 acres, with a 98.7-acre remainder parcel. The Planning Commission approved Tract Map 1985 on August 13, 2009, and a first discretionary extension of time on September 10, 2015. Applicant: Barzin Trust; Assessor's Parcel Number: 073-010-006; Project Location: Mountain Gate area on a 109.8-acre parcel at the north end of Mitchellinda Drive, approximately three-tenths of a mile north of the intersection of Natalie Way and Mitchellinda Drive. Supervisor District: 4; Recommended Environmental Determination: Not subject to the California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment; Planner: Lisa Lozier, Senior Planner. Simple Majority Vote.

Senior Planner Lisa Lozier presented the staff report.

Chairman MacLean opened the public hearing. There being no speakers, the public hearing was closed.

By motion made, seconded (Kerns/Chapin) and carried unanimously, the Planning Commission adopted a resolution that: a) finds that the extension of time is not subject to the California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment; b) adopts the recommended findings listed in Resolution 2018-025; and c) approves a 3-year Extension of Time for Tract Map 1985, based on the recommended findings and subject to the conditions listed in Planning Commission Resolution No. 2009-040.

Mr. Ross requested a short recess. Chairman MacLean reconvened the meeting at 3:19 p.m.

Chairman MacLean declared a conflict of interest for Items R5 and R6 due to his employer, Sharrah Dunlap Sawyer, having Sierra Pacific Industries as an ongoing client. Commissioner Kerns declared a conflict of interest for item R5 due to Sierra Pacific Industries being one of his clients.

Chairman MacLean and Commissioner Kerns left the room.

Ex-parte Communications Disclosures: None.

R5 **Zone Amendment 17-006, Use Permit 17-005, and Reclamation Plan 17-001 (Tullis Inc.):** The applicant has requested approval of a zoning text amendment to add wildlife habitat to the list of uses permitted use in the Industrial (M) zone. The proposed zoning change is in conjunction with a proposed use permit and reclamation plan for a sand and gravel mining operation on up to 100 acres of an approximately 182-acre parcel. Assessor's Parcel Number: 050-100-015; Project Location: Anderson area on the northeast side of Eastside Road, approximately 0.5 miles southeast of the intersection of Latona Road and Eastside Road; Supervisor District: 2; 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 department had received comment letters that were substantive in nature and requested a continuation to the October 11, 2018 Planning Commission meeting in order for planning staff to address comments.

Vice-Chairman Chapin opened the public hearing.

<u>Speaker's Name</u>	<u>Comments/Concerns/Questions</u>
Mark Wilk	Mr. Wilk stated he was the property owner at the end of Eastside Road and that he had spoken with Mr. Tullis regarding working on a prescriptive easement. Mr. Wilk requested clarification that the road would remain private.

Wendy Johnston

Ms. Johnston stated she represented Tullis Inc. for the project and stated she found the recommended continuance acceptable.

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

By motion made, seconded (Ramsey/Wallner) and carried 3-0, the Planning Commission continued Item R5 to the October 11, 2018, Planning Commission meeting.

NON-HEARING ITEMS:

Ex-parte Communications Disclosures: None.

NH1 General Plan Consistency Finding 18-0002 (County of Shasta – Department of Public Works):

The proposal is for Shasta County to abandon the ownership of a 3.35-mile section of Forwards Mill Road and 7.84 miles of Mineral Road, which would each be abandoned to the Shasta/Tehama County line. Project Location: Beginning at Bailey Creek and extending southward to the Shasta/Tehama County line as well as section of Forwards Mill Road, which extends westward from the intersection of the segment of Mineral Road; Supervisor District: 5; Recommended Environmental Determination: N/A; Staff Planner: David Schlegel, Associate Planner. Simple Majority Vote.

Associate Planner David Schlegel presented the staff report.

Commissioner Wallner asked what had been spent by the County to maintain said roads and if Sierra Pacific Industries would be restricting access. Right-of-Way Agent Brandon Magby responded, stating the road was gravel and maintenance had been minimal as most maintenance had been conducted by Sierra Pacific Industries. Mr. Magby noted Sierra Pacific Industries has had numerous issues related to illegal camping, campfires, illegal harvest of trees, and dumping.

Commissioner Chapin asked for any public comments for the project. There were none.

By motion made, seconded (Ramsey/Wallner) and carried 3-0, the Planning Commission found that the abandonment of County-owned roads as shown in Exhibit 'A' was consistent with the Shasta County General Plan based on the findings in Resolution 2018-027.

PLANNING DIRECTOR'S REPORT:

Director Paul Hellman informed the Planning Commission that Housing Element related items would be heard by the Board of Supervisors on September 18th and that the proposed Cottonwood site has been withdrawn by staff from consideration by the board. Mr. Hellman noted the Board of Supervisors had received numerous comments and input from Palo Cedro residents regarding the proposed Palo Cedro site.

CONSENT ITEMS: None.

ADJOURNMENT: The Planning Commission adjourned at 3:47 p.m.