

SHASTA COUNTY PLANNING COMMISSION MEETING

MINUTES

Regular Meeting

Date: May 11, 2023
Time: 2:00 p.m.
Place: Shasta County Administration Center
Board of Supervisors Chambers

ROLL CALL

Commissioners

Present:

Jim Chapin	District 1
Steven Kerns	District 3
Tim MacLean	District 2
Gabe Ross	District 5
Donn Walgamuth	District 4

Staff Present:

Paul Hellman, Director of Resource Management
Lio Salazar, Planning Division Manager
Matt McOmber, Assistant County Counsel
Tara Petti, Senior Planner
Venton Trotter, Supervising Engineer
Ken Henderson, Senior Environmental Health Specialist
Jeff Powell, Shasta County Fire Marshal
Tracie Huff, Recording Secretary

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

PUBLIC COMMENT PERIOD - OPEN TIME: None.

PLANNING DIRECTOR'S REPORT: None.

R1: APPROVAL OF MINUTES:

By motion made and seconded (Kerns/MacLean) and carried unanimously, the Planning Commission approved the minutes of the April 13, 2023 meeting, as submitted.

CONFLICT OF INTEREST DECLARATIONS: None.

R2: Use Permit 22-0005 (KDAW LLC): KDAW LLC has requested approval for a retail sales operation with outdoor sales and to exceed the 20-foot building height limit within 40 feet of a residential zone district for a 30-foot-tall, 3,200-square-foot hay storage building. In addition, the applicant seeks approval of exceptions from the 30-foot fire safety setback standard for the hay storage building and for a 3,600-square-foot dry storage building. The proposal also includes a 3,073-square-foot retail store with two 135-square-foot offices, an attached 6,360-square-foot dry storage building with a 720-square-foot loft and 1,260-square-foot covered loading area; a 5,250-square-foot outdoor retail sales area; and ancillary site improvements. The project site is

located in the Palo Cedro area at 22086 Old 44 Drive, Palo Cedro, CA 96073, approximately 0.2 miles east of the intersection of Old 44 Drive and Deschutes Road, immediately north of the Old 44 Drive and Cedro Lane intersection (Assessor's Parcel Number (APN) 059-390-054, as that APN is assigned for the purposes of the 2023 Regular Assessment Roll). Staff Planner: Tara Petti.

Ex-parte Communications Disclosures: None.

Tara Petti presented the staff report, including a memo addressing a comment letter from a neighboring property owner provided to the commissioners the previous day. Commissioner Kerns inquired about impacts to riparian habitat indicated in the initial study checklist. Ms. Petti clarified that there is no riparian habitat on the site and that the potential impacts referenced in the initial study checklist pertain to wildlife. Ms. Petti described the two proposed biological mitigation measures which address potential impacts to wildlife. Commissioner Walgamuth inquired about the additional fire mitigation measures for setback reasons. Ms. Petti stated that the requirements necessary to comply with the findings for the exceptions from the fire safety setback standards are included as conditions of approval. Shasta County Fire Marshal Jeff Powell stated that fire sprinklers are required due to the reduced setbacks. In response from a question from Commissioner Chapin, Mr. Powell stated that in addition to fire sprinklers noncombustible block walls and one-hour fire walls would be required where applicable. Planning Division Manager Lio Salazar stated that the conditions of approval relative to the exceptions provide options to the applicant with respect to compliance with the requirements. Commissioner Maclean expressed concern regarding the proposed 2.5-foot setback where a 30-foot setback is otherwise required. Mr. Powell stated that the fire code allows for a zero lot line with the required fire walls and Mr. Salazar stated that the zoning code also allows for a zero lot line if certain criteria are met.

The public hearing was opened. Kelly Landry, applicant, thanked the County and everybody for their support and stated that she wants to move her business off a very busy corner to make it easy for everyone. In response to a question from Commissioner Chapin, Ms. Landry stated that she is in agreement with the recommended conditions. In response to a question from Commissioner Kerns, Ms. Landry stated that the business began as a feed store in 1963 and has expanded over the years. There being no other speakers, the public hearing was closed.

By motion made and seconded (Kerns/MacLean), and carried unanimously, the Planning Commission adopted a resolution to: a) adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration for Use Permit 22-0005; b) adopt the recommended findings listed in Resolution 2023-012; c) approve Use Permit 22-0005 based on the recommended findings and subject to the conditions of approval set forth in Attachment A to Resolution 2023-012; d) in accordance with Sections 6.91 through 6.93 of the Shasta County Fire Safety Standards make the findings for exceptions to Section 6.51 of the Shasta County Fire Safety Standards for building setbacks; and e) approve Shasta County Fire Safety Standards Exception Requests #21-62 and #22-35, subject to the conditions as set forth in the exceptions.

R3: Zone Amendment 23-0003 (Shasta County): The Shasta County Department of Resource Management proposes to amend Chapters 17.18 of Title 17 of the Shasta County Code concerning regulations within the National Recreation Area-Shasta Unit for consistency with Title 36, Chapter II, Part 292, Subpart B-Whiskeytown-Shasta-Trinity National Recreation Area of the Code of Federal Regulations and for consistency with previously adopted amendments to the Shasta County Zoning Plan concerning locational requirements for commercial and industrial uses within the NRA-S zone district. Staff Planner: Lio Salazar.

Ex-parte Communications Disclosures: None.

Planning Division Manager Lio Salazar presented the staff report. Commissioner Walgamuth asked if the limitations on the federal government's ability to purchase land that would result from the proposed zone amendment would have any implications with respect to raising the dam and the resulting need to acquire affected land. Mr. Salazar explained that the purpose of sending the adopted ordinance to the U.S. Secretary of Agriculture for approval is to ensure that the ordinance is consistent with the Code of Federal Regulations in which case the potential acquisition of land by the federal government due to the establishment of land uses which are inconsistent with federal regulations would not result. Director Paul Hellman clarified that the adoption and implementation of an ordinance by the County that allows land uses which are inconsistent with federal regulations would allow for the federal government to acquire such lands. Commissioner Chapin asked if the ordinance would need to be changed if the federal government needed to acquire land surrounding the lake in order to raise the dam. Mr. Hellman stated that while enacting an ordinance that is consistent with federal regulations would preclude the federal government from acquiring land due to inconsistencies with federal regulations, it would not preclude the federal government from acquiring land for other reasons. Commissioner Kerns asked if staff thinks the Secretary of Agriculture is going to sign off on something that would preclude the federal government from acquiring land. Mr. Salazar stated that he has spoken with the District Ranger who seems fairly comfortable with the proposed ordinance and that the Department of Agriculture was in favor of the adoption of the NRA-S zone district and believes that they will be in favor of the proposed changes. Mr. Hellman stated that the proposal is a true zoning code clean-up necessitated by an oversight 30 to 40 years ago when the zoning of commercial properties within the NRA-S zone district was changed without the necessary corresponding changes being made to the provisions of the NRA-S zone district. Commissioner Chapin asked if the Forest Service has any input into development permits within the NRA-S zone district. Mr. Salazar stated that the Forest Service can comment through the consultation process but does not have the authority to approve or deny proposed land uses.

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

By motion made and seconded (Walgamuth/MacLean), and carried unanimously, the Planning Commission adopted a resolution recommending that the Shasta County Board of Supervisors: a) find that Zone Amendment 23-0003 is not subject to the California Environmental Quality Act (CEQA) for the reasons stated in Resolution 2023-013; b) adopt the recommended findings listed in Resolution 2023-013; and c) introduce, waive the reading of, and enact an ordinance to amend the Zoning Plan of the County of Shasta identified as Zone Amendment 23-0003.

ADJOURNMENT: The Planning Commission adjourned at 2:51 p.m.

Submitted by:



**Paul Hellman, Director of Resource Management
Secretary to the Planning Commission**