

# SHASTA COUNTY PLANNING COMMISSION MEETING

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## MINUTES

### Special Meeting

Date: September 28, 2023  
Time: 2:30 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

### Commissioners

**Absent:** Donn Walgamuth District 4

**Staff Present:** Paul Hellman, Director of Resource Management  
Gretchen Stuhr, Senior Deputy County Counsel  
Lio Salazar, Planning Division Manager  
Tara Petti, Senior Planner  
David Schlegel, Senior Planner  
Elisabeth Towers, Associate Planner  
Robert Yuwiler, Assistant Planner  
John Heath, Principal Engineer  
Ken Henderson, Senior Environmental Health Specialist  
Jeff Powell, Shasta County Fire Marshal  
Tracie Huff, Recording Secretary

**Note:** All unanimous actions reflect a 4-0 vote.

**PUBLIC COMMENT PERIOD - OPEN TIME:** None.

**PLANNING DIRECTOR'S REPORT:** Director Paul Hellman reported that the Hawes Farms zone amendment proposal will be considered by the Board of Supervisors on October 3rd. Mr. Hellman provided an update regarding the Fountain Wind Project's permitting process through the California Energy Commission (CEC). Commissioner Kerns requested an explanation of the County's position regarding the CEC's authority to process the Fountain Wind Project application. Mr. Hellman stated that the County has docketed a jurisdictional opposition stating that the County does not believe that the CEC has jurisdiction to consider the project and a reimbursement request for costs which are anticipated to be incurred by the County in reviewing and commenting on the project. Commissioner Chapin clarified that Mr. Hellman's references to the Commission were to the CEC rather than to the Planning Commission and provided background regarding Assembly Bill 205 and how it pertains to the Fountain Wind Project.

**R1: APPROVAL OF MINUTES:**

By motion made and seconded (Kerns/MacLean) and carried unanimously, the Planning Commission approved the minutes of the August 24, 2023 meeting, as submitted.

**R2: Amendment 23-0002 (Lewis):** Mark Lewis and Christine Ngoc Thao Lewis have requested approval of Amendment 23-0002 to establish an additional building envelope and to modify the boundaries of an existing building envelope for Lot 7 of Tract Map 1901 (24RM54). The 5.26-acre project site is located on the west side of Twin Creek Lane approximately 0.20 miles north of the Old 44 Drive and Twin Creek Lane intersection (Assessor's Parcel Number (APN) 111-280-007 as this APN is assigned for the purpose of the 2023 Regular Assessment Roll). Staff Planner: David Schlegel.

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

David Schlegel presented the staff report. Commissioner Kerns asked about the outdated 2004 wetlands delineation prepared for the project. Mr. Schlegel stated that wetlands were identified on other lots within the subdivision, but since none were identified on the subject lot an updated wetlands delineation was not required. The public hearing was opened. There being no speakers, the public hearing was closed.

By motion made and seconded (MacLean/Kerns), and carried unanimously, the Planning Commission adopted a resolution to: a) find that the addendum to the previously adopted Mitigated Negative Declaration for Tract Map 1901 is adequate for Amendment 23-0002; b) adopt the recommended findings listed in Resolution 2023-018; and c) approve Amendment 23-0002, based on the recommended findings and subject to the conditions of approval set forth in Exhibit A to Resolution 2023-018.

**R3: Zone Amendment 22-0008 and Use Permit 22-0002 (Bar Over Heart Enterprises, LLC) – Continued from August 24, 2023:** Bar Over Heart Enterprises, LLC has proposed a zone amendment to change the zoning from the Light-Industrial combined with Design Review (M-L-DR) zone district to the General Industrial combined with Design Review (M-DR) zone district for an approximately 55-acre portion of an approximately 65-acre project site and a use permit for the development of a 5-megawatt bioenergy facility, small specialty sawmill, dry kilns, chipping and grinding operation, firewood sales, outdoor storage and office, and exceedance of the maximum structural height standard of 45 feet for Unclassified (U) zoned parcels that are designated Full-Time Agricultural-Crops (A-C) in the Shasta County General Plan. The project site is located on the east side of Black Ranch Road, at the intersection of Black Ranch Road and State Highway 299 East, in Burney, CA 96013 (Assessor's Parcel Numbers (APN's) 028-370-028, 030-390-070, and a portion of 030-390-066 as these APN's are assigned for purposes of the 2023 Assessment Roll). Staff Planner: Lio Salazar.

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

Lio Salazar presented the staff report and summarized the September 27, 2023 memo to the Commission recommending revisions to condition 47 requested by the applicant and the correction of a typographical error in the Revised Initial Study/Mitigated Negative Declaration regarding the size of the water truck. Mr. Salazar and Commissioner Chapin responded to a question from Commissioner Kerns regarding the economic feasibility of the project. The public hearing was opened. Christiana Darlington (applicant's attorney), Todd Sloat, Doug Lindgren (applicant), and Todd Jones (Shasta Economic Development Corporation) spoke in support of the project. Ms. Darlington and Mr. Lindgren responded to questions from the Commission during their testimony. There being no other speakers, the public hearing was closed. Commissioners MacLean, Kerns and Chapin expressed their support for the project and the benefits it will provide to the community.

By motion made and seconded (Kerns/MacLean), and carried unanimously, the Planning Commission adopted a resolution recommending that the Shasta County Board of Supervisors: a) adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration for Zone Amendment 22-0008, with the correction of a typographical error identified in the September 27, 2023 memo from Director Hellman to the Commission; b) adopt the recommended findings listed in Resolution 2023-019; 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 22-0008; and adopted a resolution recommending that the Shasta County Board of Supervisors: a) adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration for Use Permit 22-0002, with the correction of a typographical error identified in the September 27, 2023 memo from Director Hellman to the Commission; b) adopt the recommended findings listed in Resolution 2023-020; and c) approve Use Permit 22-0002, based on the recommended findings and subject to the conditions of approval set forth in Exhibit A to Resolution 2023-020, as amended.

**CONFLICT OF INTEREST DECLARATION:** Commissioner MacLean stated that he has a conflict of interest for item R4.

Commissioner MacLean left the room.

**R4: Use Permit 23-0003 (LeVey LLC):** LeVey LLC has requested approval of a contractor's outdoor storage yard with an existing 1,258-square-foot one-family residence to be occupied by the owner or operator of the industrial use, or a paid caretaker or night watchman. Existing improvements include a one-family residence, gravel parking and storage areas, security fencing that bisects the property with gated access, privacy fencing along the east, south, west and a portion of the north property line, a gravel driveway, septic system, and well. The project would include installation of landscaping along the property frontage, widening of the existing encroachment off Old Oregon Trail, and construction of an 8-foot-high solid masonry wall or planted berm together with a row of trees along the north lot line and other ancillary site improvements. The 7.40-acre project site is located at 8872 Old Oregon Trail, Redding, CA 96002, on the southwest corner of the intersection of Old Oregon Trail and Pickford Way (Assessor's Parcel Number (APN) 054-020-021 as that APN is assigned for purposes of the 2023 Regular Assessment Roll). Staff Planner: Elisabeth Towers.

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

Elisabeth Towers presented the staff report. The public hearing was opened. Mike Dormer (applicant's representative) stated that they accept the conditions as written and that he is available to answer questions. Neighboring property owner/contractor Steve Gold provided comments regarding the project and discussed a comment letter previously provided to the Commission from neighboring property owner/contractor Shane Fox who was unable to attend the meeting. The commissioners asked questions of Mr. Gold and provided him the opportunity to review the September 27, 2023 memo from Director Hellman to the Commission regarding Mr. Fox's comment letter. Ms. Towers discussed the status of the proposed grading permit for the project. Mr. Hellman responded to a question from Commissioner Chapin regarding the enforcement of conditions by the County. Mr. Gold stated that the memo addresses the concerns that he and Mr. Fox have. Commissioner Ross asked Mr. Gold if his concern is the applicant's compliance with the conditions and who he should contact in the event they are not complied with, which Mr. Gold confirmed. Lio Salazar advised Mr. Gold to contact Ms. Towers regarding compliance with the conditions and the status of required permits if the project is approved. Mr. Hellman explained that while grading had occurred prior to a permit being issued, the grading permit cannot be issued until the use permit is approved. Mr. Hellman responded to a question from Mr. Gold regarding a fence recently constructed by the applicant along the property line. Mr. Dormer explained that engineering design and permitting for the proposed grading, walls, and frontage improvements are in the

works pending the approval of the use permit. There being no other speakers, the public hearing was closed. Mr. Hellman responded to a question from Commissioner Kerns regarding the September 27, 2023 memo.

By motion made and seconded (Kerns/Ross), and carried by a 3-0 vote, the Planning Commission adopt a resolution to: a) find that Use Permit 23-0003 is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3) and is exempt from CEQA pursuant to State CEQA Guidelines sections 15301 and 15304; b) adopt the recommended findings listed in Resolution 2023-021, including modifications, if any made by the Planning Commission; and c) approve Use Permit 23-0003 based on the recommended findings and subject to the conditions of approval set forth in Exhibit A to Resolution 2023-021, including modifications, if any made by the Planning Commission.

**CONFLICT OF INTEREST DECLARATION:** Commissioner Kerns stated that he has a conflict of interest for item R5.

Commissioner Kerns left the meeting and Commissioner MacLean returned to the room.

**R5: Amendments 23-0003 and 23-0004 (Tullis, Inc):** Tullis, Inc. dba Crystal Creek Aggregates has requested approval of Amendment 23-0003 and Amendment 23-0004 to amend Use Permit 07-020 and Reclamation Plan 07-002 to extend the estimated mining termination date for a 110.69-acre aggregate quarry and processing facility (Crystal Creek Aggregates) by an additional 30 years, to modify the final quarry configuration in order to increase the total allowable quarry volume production from 15.92 million tons to 25.4 million tons, and to expand the project boundary by an additional 69.28 acres (Mineral Resource Area). The applicant is also proposing improvements to the intersection of Iron Mountain Road and Hwy 299, construction of an approximately 200-square-foot hazardous materials storage shed, and abandonment of an existing Concrete Recycle Area located within the quarry stockpile area. The project site is a 179.97-acre portion of a 189.97-acre property located south of the unincorporated community of Keswick at 10936 Iron Mountain Road (Assessor's Parcel Numbers (APNs) 065-250-031 and 065-250-032 as those APNs are assigned for purposes of the 2023 Regular Assessment Roll). Staff Planner: Tara Petti.

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

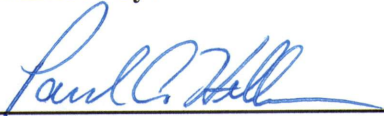
Tara Petti presented the staff report. The public hearing was opened. Einhard Diaz (applicant's representative) introduced Lyle Tullis (applicant) and Russ Wenham (applicant's traffic engineer) and stated that the applicant agrees with the conditions. Mr. Diaz responded to a question from Commissioner Chapin regarding the tree species to be planted as part of the reclamation plan. Ms. Petti stated that revisions will be made to the revegetation measures in the reclamation plan in response to the California Department of Fish and Wildlife's comments prior to final approval and submittal to the California Department of Conservation. Mr. Tullis discussed the proposal, including current and future operational characteristics of the quarry. Mike Schlaucer expressed concerns regarding the proposed quarry expansion and Richard Robinson expressed concerns regarding the future remediation of the site and bicycle safety on Iron Mountain Road. Mr. Diaz clarified the proposed size of the pond in response to a previous comment, stated that the 2010 Shasta County Bicycle Plan did not identify any necessary improvements to Iron Mountain Road, stated that the financial assurance requirements will ensure implementation of the approved reclamation plan, addressed Mr. Schlaucer's comments regarding the project's impacts to property values, and stated that the project will comply with the current use permit's limitation on the number of permissible truck trips. Commissioner Chapin asked if reclamation plan requirements are enforced by the state or the County. Ms. Petti explained how compliance with approved reclamation plans is enforced by the County in accordance with the Surface Mining and Reclamation Act (SMARA). Mr. Salazar stated that both the state and County are beneficiaries of the financial assurances required in conjunction with reclamation plans and that, therefore, if the County were to fail to

enforce the requirements of a reclamation plan the state would have the ability to do so. Mr. Tullis stated that the amount of the reclamation bond currently posted as the financial assurance required for the quarry is approximately \$250,000. Principal Engineer John Heath stated that Iron Mountain Road is classified as a Class 3 bicycle facility, which makes it a bike route with bicycles and vehicular traffic sharing the road, in both the 2010 Shasta County Bicycle Plan and the 2015 Regional Active Transportation Plan. Mr. Heath confirmed that no improvements to Iron Mountain Road are identified in the 2010 Shasta County Bicycle Plan and that potential improvements to Iron Mountain Road are identified in the 2015 Regional Active Transportation Plan with those improvements being ranked approximately 25<sup>th</sup> out of 50 potential improvements within the unincorporated area of the County in terms of priority. Mr. Heath stated that the Department of Public Works has partnered with the Shasta Wheelmen to make feasible improvements to enhance bicycle safety, including share the road signage along Iron Mountain Road. Commissioner MacLean thanked Mr. Heath for answering the questions about bicycle safety that he was going to ask. Mr. Heath stated that ongoing road maintenance fees paid by Crystal Creek Aggregates have been and will continue to be used for shoulder improvements along Iron Mountain Road but that the construction of a bicycle path is infeasible due to the roadway's severe topographical constraints. Mr. Gold stated that he understands the constraints but that he would like to see more improvements due to the addition of bicycle trails in the vicinity. Mr. Heath stated that the Department of Public Works has not received any complaints to date about bicycle safety on Iron Mountain Road but would be receptive to working with the Shasta Wheelmen to implement any safety measures they would like to propose. There being no other speakers, the public hearing was closed.

By motion made and seconded (MacLean/Ross), and carried by a 3-0 vote, the Planning Commission adopted a resolution to: a) adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration for Amendment 23-0003; b) adopt the recommended findings listed in Resolution 2023-022; and c) approve Amendment 23-0003, based on the recommended findings and subject to the conditions of approval set forth in Exhibit A to Resolution 2023-022; and adopted a resolution to: a) adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration for Amendment 23-0004; b) adopt the recommended findings listed in Resolution 2023-023; and c) approve Amendment 23-0004, based on the recommended findings and subject to the conditions of approval set forth in Exhibit A to Resolution 2023-023.

**ADJOURNMENT:** The Planning Commission adjourned at 5:55 p.m.

**Submitted by:**



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