

TEHAMA COUNTY PLANNING COMMISSION

444 Oak Street, Room "I"

Red Bluff, CA 96080

Phone 530 527-4655 Fax (530) 527-2655



Commissioner Bill Moule
Commissioner Lynn DeFreece – Chairperson
Commissioner Gary Durden – Vice- Chairperson
Commissioner Mike Wright
Commissioner Delbert David

District 1
District 2
District 3
District 4
District 5

PLANNING COMMISSION MINUTES

MINUTES FOR THE MEETING HELD ON: August 3, 2017

LOCATION: Board Chambers
Administration Building
727 Oak Street
Red Bluff, CA 96080

COMMISSIONERS PRESENT: Durden, Moule, Wright, David

COMMISSIONERS ABSENT: DeFreece

COUNTY STAFF PRESENT: Kristen Maze, Planning Director
Trisha Weber, Deputy County Counsel
Will Pike, Chief Surveyor at Public Works
Kathryn Parish, Administrative Secretary III
Clint Weston, Code Enforcement Officer
Scot Timboe, Planner III
Jim Curtis, Interim County Counsel

I. PLEDGE OF ALLEGIANCE

Vice-Chairman Durden opens the meeting and leads in the pledge of allegiance.

II. CITIZENS CONCERNS

None

III. MINUTES OF THE MEETING

A). Approval of the minutes for July 6, 2017.

RESULT: APPROVED [3:0]
MOVER: Bill Moule, Commissioner
SECONDER: Dave David, Commissioner
AYES: Durden, Moule, David
ABSTAIN: Wright

A). Approval of the minutes for July 20, 2017.

RESULT: **APPROVED [3:0]**
MOVER: Dave David, Commissioner
SECONDER: Mike Wright, Commissioner
AYES: Durden, Wright, David
ABSTAIN: Moule

IV. REGULAR ITEMS

1. VARIANCE #16-02, LOYCE WINNING

A. Move that Variance #16-02 is exempt from CEQA pursuant to CEQA Guidelines Section 15305(a), a Class 3 Exemption that allows minor alterations in land use limitations, and approve the CEQA Findings and Project Findings within Attachment B; and

RESULT: **APPROVED [3:1]**
MOVER: Bill Moule, Commissioner
SECONDER: Dave David, Commissioner
AYES: Moule, Wright, David
OPPOSE: Durden

B. Move that the Planning Commission approve Variance #16-02 subject to the Conditions in Attachment C.

RESULT: **APPROVED [3:1]**
MOVER: Bill Moule, Commissioner
SECONDER: Dave David, Commissioner
AYES: Moule, Wright, David
OPPOSE: Durden

2. CONTINUE THE CONSIDERATION AND RECOMMENDATION TO THE TEHAMA COUNTY BOARD OF SUPERVISORS TO APPROVE AND ADOPT REZONE #16-06 (TEHAMA COUNTY GENERAL PLAN IMPLEMENTATION PHASE 3-JELLYS FERRY/ADOBE RD.)

Scot Timboe, Planner III introduced the project to the Commissioners and asked if there was any questions.

Commissioner Moule read a letter he wrote and submitted to the clerk.

Mark Shope, representing the Shope family parcels on the east boundary of the Jelly's Ferry tract. Mr. Shope expressed his feelings on the previous Board of Supervisor meeting on June 20, 2017. Found it unsettling when the Board of Supervisors did not realize they had approved a 2 acre minimum in Rolling Hills and was discussing how to revert their vote. Throughout this process he has been working to understand why the

Shope parcels have been chosen to be rezoned to a 10 acre minimum. A response in an email from the Planning Department stating they are following recommendation from an Ad-Hoc committee. Case law makes it clear that any reports or documents are public information and after requesting documents from the Planning Department Mr. Shope received a response from County Counsel that they are either unable to get the documents or the documents do not exist. Mr. Shope believes the 10 acre minimum does not comply with the rural small lot general plan and appears they are trying to rezone to a rural large lot designation that would comply. He discussed how this would cause an inconsistency in the zoning. Mr. Shope has sent multiple emails to the Planning Department and states he has not received any answers. He showed the Commission a scoring system from Phase 2 deciding which parcels to push to Phase 3 and has not received an answer why their properties were added to Phase 3. Based on the letters from the Rolling Hills Road Maintenance Association writing in favor of the 10 acre minimum representing all of the property owners, Mr. Shope does not believe the property owners would be in favor of rezoning.

George Robson (Robson and Associates) representing the Shope, Singh, and Sale parcels. Pointed out that none of the property owners requested a 10 acre minimum except for the letters from the Rolling Hills Road Maintenance signed by 4 property owners. It started in 2009 to begin the comprehensive rezoning to bring consistency with the general plan when Mr. Robson was the Planning Director. Mr. Singh asked for his services to begin rezoning his properties due to the time it was taking the county to complete the rezone to a 2 acre minimum. In the last meeting with the Board of Supervisors a motion was made by Supervisor Carlson that passed unanimously. He met later with Supervisor Carlson when she stated she didn't know what she was doing or voting for.

Joseph Rider on behalf of the Singh properties expressed the 10 acre minimum would not benefit anyone. The Singh properties have an easement to Penneleme Road and with a 2 acre zoning they could potentially develop a road that would be a fire escape.

Jim Curtis, Interim County Counsel addressed the audience and the Commission regarding the integrity of the County and how the process should be important to all. Mr. Curtis went on to introduce himself and describe some of his experience. Clarifying that General Plan and Zoning are both deemed by the courts to be legislative in character meaning it is a fundamental right of elected legislative representatives. The Board of Supervisors is assisted by the public to provide input and recommendations but fundamentally it is the Boards responsibility is to determine the future of the County in terms of land use. To answer Mr. Shope on his request for documentation on the Ad-Hoc Committee a response was sent out yesterday (August 2, 2017) saying the County cannot produce information that does not exist. It has been recognized that this item has come in front of the Planning Commission a number of times but it is a necessary legal step to move forward to the final goal of rezone. The General Plan does not consist of only one policy such as the land use element but consist of a number of polices. According to the Courts, it is supposed to be viewed as a comprehensive mitigated document with all the elements of the General Plan in regards to future development of the County. General Plan is typically a 20 year horizon of how the county may development long term that could evolve. Mr. Curtis mentions roads should

be a major concern when looking at a large area and giving it another green light towards development when there is no plan on how that road network would ever be established. In the case *Concerned Citizens of Calaveras County v. Board of Supervisors* the court affectively nullified the county's general plan because in one instance the plan provided for a high density land use to facilitate residential development but recognized in the circulation element that there was no way to service that area.

Discussion between Commissioner David and County Counsel Jim Curtis regarding what it means to bring consistency to the general plan and what should be considered when changing the general plan for future development.

George Robson addressing the concern of circulation issues such as fire safety roads. The Shope's, Singh, and Sale parcels have connecting easements and documents that provide the access points from Adobe through Penneleme to Jelly's Ferry.

Mark Shope responded to County Counsels comments on public documents. Mr. Shope has been upset that public information has not been provided to him and it was denied 4 times by the Planning Department and 1 time from County Counsel.

Karen Vestal Hackler owns approximately 500 acres on Adobe Rd with her sister. Concerned where they are planning to put a road to get in and out and also concerned that they will go through her property. Ms. Hackler does not have any intention of putting a road through her property.

Kim Carnahan, Chuck & Linda Shope's daughter explains they are trying to understand if they have the same numbers and topography why they are not getting the 2 acres.

Commissioner Moule moves to deny and the motion dies due to no second.

B. Request to recommend the Board of Supervisors adopt the Findings and Subfindings relative to CEQA as contained in Attachment "C" of the Staff Report;

RESULT:	APPROVED [3:1]
MOVER:	Dave David, Commissioner
SECONDER:	Mike Wright, Commissioner
AYES:	Durden, Wright, David
NOES:	Moule

C. Request to recommend the Board of Supervisors that Rezone #16-06 is exempt from further review under CEQA pursuant to Public Resources Code §21083.3 and CEQA Guidelines §15183 and authorize the Director of Planning to file the Notice of Exemption;

RESULT: **APPROVED [3:1]**
MOVER: Dave David, Commissioner
SECONDER: Mike Wright, Commissioner
AYES: Durden, Wright, David
NOES: Moule

D. Request to recommend the Board of Supervisors adopt the Findings and Subfindings relative to the Project as contained in Attachment “C” of the Staff Report;

RESULT: **APPROVED [3:1]**
MOVER: Dave David, Commissioner
SECONDER: Mike Wright, Commissioner
AYES: Durden, Wright, David
NOES: Moule

E. Request to recommend the Board of Supervisors adopt the Ordinance contained in Attachment “D” of the Staff Report and approve Rezone #16-06 with the Zoning Ordinance Map (Exhibit 1) that will add to the Tehama County Zoning Map, which will further implement the 2009-2029 Tehama County General Plan.

RESULT: **APPROVED [3:1]**
MOVER: Dave David, Commissioner
SECONDER: Mike Wright, Commissioner
AYES: Durden, Wright, David
NOES: Moule

3. ENVIRONMENTAL HEALTH / CODE ENFORCEMENT – 15799 Tall Pine Trail, Corning, RTR, CALIFORNIA (Ceberino Pulido segura-OWNER(S)) – Hearing on Notice Issued by Enforcing Officer in Public Nuisance Enforcement Action Against the Premises

B) **RESOLUTION** - Request adoption of a Resolution declaring the existence of a public nuisance on the property located at 15799 Tall Pine Trail, Corning, RTR, California APN: 062-290-004; is a use or condition of the property in violation of Tehama County Code Chapters 9.42 and 10.16; is unsafe or detrimental to public health, safety, and/or welfare; ordering abatement thereof; and directing an itemized accounting of the costs incurred in abating the nuisance.

RESULT: **APPROVED [4:0]**
MOVER: Bill Moule, Commissioner
SECONDER: Dave David, Commissioner
AYES: Durden, Moule, Wright, David

4. ENVIRONMENTAL HEALTH / CODE ENFORCEMENT – 15834 Tall Pine Trail, Corning, RTR, CALIFORNIA (Garmen F Gutierrez and Arminda Gomez Telles-OWNER(S)) – Hearing on Notice Issued by Enforcing Officer in Public Nuisance Enforcement Action Against the Premises

B) RESOLUTION - Request adoption of a Resolution declaring the existence of a public nuisance on the property located at 15834 Tall Pine Trail, Corning, RTR, California APN: 062-290-007 is a use or condition of the property in violation of Tehama County Code Chapters 9.42 and 10.16; is unsafe or detrimental to public health, safety, and/or welfare; ordering abatement thereof; and directing an itemized accounting of the costs incurred in abating the nuisance.

RESULT: **APPROVED [4:0]**
MOVER: Dave David, Commissioner
SECONDER: Mike Wright, Commissioner
AYES: Durden, Moule, Wright, David

V. PLANNING COMMISSION REPORTS

VI. PLANNING DIRECTOR REPORTS

VII. ADJOURN