



DATE: Thursday, October 17, 2024
TIME: 9:00 AM
LOCATION: BOARD CHAMBERS
ADMINISTRATION BUILDING
727 OAK STREET
RED BLUFF, CALIFORNIA 96080

Use of Cell Phones During Meetings: The Commission appreciates your cooperation in turning off or muting all cell phones during the meeting.

Recording Device used to record the meeting.

Present Commissioner Daniel King, Commissioner Noel Bookout, Commissioner Robert Halpin, Commissioner Karen Jones, and Commissioner Ian Turnbull

I. PLEDGE OF ALLEGIANCE

Present Commissioner Daniel King, Commissioner Noel Bookout, Commissioner Robert Halpin, Commissioner Karen Jones, and Commissioner Ian Turnbull

II. CITIZENS CONCERNS

This time is set aside for citizens to address the Planning Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. No action may be taken on any item not appearing on the agenda unless the action is otherwise authorized by Government Code Section 54954.2(b) (typically, this applies to items meeting criteria as an off-agenda emergency) The Chair reserves the right to limit each speaker to three (3) minutes. Disclosure of a speaker's identity is purely voluntary during the public comment period.

III. MINUTES OF THE MEETING

A motion was made by Ian Turnbull, seconded by Karen Jones, to APPROVED this item. The motion carried by the following vote:

RESULT: APPROVED

MOVER: Ian Turnbull

SECONDER: Karen Jones

AYES: Commissioner King, Commissioner Bookout, Commissioner Halpin, Commissioner Jones, and Commissioner Turnbull

APPROVAL OF MINUTES - SEPTEMBER 5, 2024 PLANNING COMMISSION

MINUTES

a) Waive the reading and approve the minutes of the regular meeting held Click to enter a date.

IV. REGULAR ITEM

1. AMEND RECLAMATION PLAN #04-01; TCR 2:

The staff recommends that the Planning Commission take the following actions:

- A. Public Hearing - Conduct a public hearing to consider approval of TCR-2 CA Mine #91-52-0041 amended Reclamation Plan incorporating the Revegetation Plan and changing the end use of the site along with the August 22, 2022, Financial Assurance Cost Estimate, August 24, 2022 Financial Assurance Mechanism, and the associated Mitigated Negative Declaration.
- B. Request adoption of CEQA findings contained in Attachment E amending Use Reclamation Plan #04-01, including the CEQA Findings for the adoption of the Mitigated Negative Declaration; and
- C. Request adoption of findings contained in Attachment E relative to the Amended Reclamation Plan #04-01 that also incorporates the Revegetation Plan and changing the end use of the site along with the August 22, 2022 Financial Assurance Cost Estimate and August 24, 2022 Financial Assurance Mechanism, and D. Request approval of the Amended Reclamation Plan #04-01 as contained in Attachment B along with the financial documents and Mitigated Negative Declaration.

Jessica Martinez, Interim Planning Director, presented the amend reclamation plan #04-01 to the Commissioners.

Commissioner Turnbull asked if the change in estimates was due to not irrigating the pasture.

Ms. Martinez stated yes that is correct and also because of the change to apiary use .

Commissioner Jones as if the land owner is approving the changes .

Ms. Martinez stated yes.

Chairman King open public hearing.

Chairman King closed public hearing.

RESULT: ADOPTED
MOVER: Karen Jones
SECONDER: Noel Bookout

AYES: Commissioner King, Commissioner Bookout, Commissioner Halpin, Commissioner Jones, and Commissioner Turnbull

RESULT: APPROVED

MOVER: Noel Bookout

SECONDER: Robert Halpin

AYES: Commissioner King, Commissioner Bookout, Commissioner Halpin, Commissioner Jones, and Commissioner Turnbull

RESULT: APPROVED

MOVER: Ian Turnbull

SECONDER: Noel Bookout

AYES: Commissioner King, Commissioner Bookout, Commissioner Halpin, Commissioner Jones, and Commissioner Turnbull

2. CONSIDERATION OF GPA #24-01; TEHAMA COUNTY HOUSING ELEMENT 2024-2029

The staff recommends that the Planning Commission take the following actions:

A. Move to Recommend that the Board of Supervisors find that the project is exempt from CEQA pursuant to CEQA guidelines Section 15061(b)(3) and adopt the findings relative to CEQA in the staff report and as contained in the Board of Supervisors Resolution (Attachment A).

B. Move to recommend the Board of Supervisors adopt the findings and approve the GPA #24-01 for the 2024-2029 Tehama County Housing Element update .

Jessica Martinez, Interim Planning Director, presented the Tehama County Housing Element to the Commissioners.

RESULT: APPROVED

MOVER: Robert Halpin

SECONDER: Noel Bookout

AYES: Commissioner King, Commissioner Bookout, Commissioner Halpin, Commissioner Jones, and Commissioner Turnbull

RESULT: APPROVED

MOVER: Robert Halpin

SECONDER: Noel Bookout

AYES: Commissioner King, Commissioner Bookout, Commissioner Halpin, Commissioner Jones, and Commissioner Turnbull

3. PUBLIC HEARING TO CONSIDER RECOMMENDING THE APPROVAL OF A COUNTYWIDE ORDINANCE AMENDING TITLE 9.06 OF THE TEHAMA COUNTY ZONING CODE REGULATING MARIJUANA CULTIVATION IN THE UNINCORPORATED AREAS OF TEHAMA

Staff recommends the Planning Commission take the following actions:

- A. Receive the information provided concerning the Countywide Cannabis Ordinance and open the Public Hearing, and
- B. Review and discuss possible direction to staff regarding processing and next steps for the Countywide Cannabis Ordinance, and/or

Jessica Martinez, Interim Planning Director, presented the countywide ordinance amending title 9.06 of the Tehama County zoning code regulating Marijuana Cultivation.

Ms. Martinez explained each of the differences in the two proposed ordinances.

Commissioner Turnbull stated and asked after looking at the second proposal and the current ordinance why all the different processes for cannabis.

Andrew Plett, County Counsel, stated the current county process timelines in 9.06 are more agile and quicker responses.

Clint Weston, Code Enforcement Officer, stated hearing process is 7 days a notice goes out on Monday and the hearing is the following Wednesday. Mr. Weston stated the 7 days works the best and would request the two proposals include a 7 day process.

Commissioner Jones stated the current ordinance and current growers must register with the county how many have registered.

Mr. Weston stated there is only one registered in the county.

Commissioner Jones asked if they are they checked on to see if they are in compliance.

Mr. Weston stated they are complaint driven.

Commissioner Halpin stated he has an objection about the Chair passing out a document to the Commissioners with some comments from the public. He stated there were several comments from the public and they should all be included or the document from the Chair should be ignored. Commissioner Halpin stated he would like to see some mapping or maps for both alternatives that shows where it would be allowed.

Commissioner Jones stated she wanted to know why this is being brought forward and why are changes wanting to be made. She asked changes be asked for because the Supervisors want to make changes.

Mr. Plett stated it was direction by the Board of Supervisors.

Commissioner Halpin stated the two proposals could be duck tailed together.

Chairman King opened public hearing;

Ken Reeder's, advocate and patient of medical cannabis, stated the current ordinance is illegal and needs to be revised. He stated he is in favor of proposal B minus the violations because the state already has them in place.

Carol Parsons, advocate of cannabis, stated she supports proposal B because it follows the state law. She stated she has tried CBD for her pain, but THC helps her cope with the pain, easy to grow, and will have a low impact on the environment.

Liz Merry Stated people should be able to grow. Shasta County reported their cannabis brought in more money.

Frank White stated the proposals are not clear at all and asked a question about water and how much will it take to keep the plants watered.

Mary Parker stated she would not like cannabis to be grown and does not approve of the change. She stated we do not have the services to protect the negatives that come with it and other residents do not want more drugs in their area because it will bring crime to their area. BOS we dare not to speak up

John Stoffer, former Building Official, stated illegal grows were a big problem when he was the Building Official and these grows cause environmental damage. He stated its hard to write an ordinance because you will not please everyone, but he recommends ordinance B because it will help keep illegal grows away.

Oscar Daniels stated its hard to believe that the county wants to become a pot hub and its very distressing. He stated that if Proposal B is approved it will invite corruption or create a lawless situation. Mr. Daniels suggested that it be put to a county wide vote.

Barbara Lowery stated she should not be subjected to the cannabis grow my neighbor grew and she became a prisoner in her home and she is allergic to cannabis. She stated that she complained and not action at all to her complaints.

John Prinz stated he is advocating for cannabis use and patient rights.

Martha KleyKamp stated she believes an environmental impact report should be done and we need to look at the pros and cons of cannabis. She stated it takes little water and may grow without water and takes less land than tree crops.

Chairman King closed public hearing.

Commissioner Halpin answered a question from the public comment. He explained the land use will not allow commercial grow on less than 5 acres and if you have a 10 acre piece of land you can have an acre grow. Mr. Halpin stated most cultivations will be on

flat lands. He stated that Proposal A doesn't allow cannabis facilities Proposal B does allow facilities.

Mr. Plett stated California law states the county cannot prohibit delivery of medicinal cannabis.

Commissioner Halpin stated water is used just like we use for crops.

Chairman King stated there has been deaths due to cannabis and it tends to grow in moist places so it tends to grow mold. He stated the only change we need to make to current ordinance is just change one thing to allow delivery of cannabis and Proposal A does allow it.

Commissioner Turnbull stated both proposals are not aligned with what he would like to see. He stated one thing he would like to see is that it comply with state law and we need to allow personal outdoor grow with the right setbacks and zoning.

Commissioner Jones stated she is not ready to choose a proposal and in my jurisdiction does not want it in their community. She stated she needs to review the proposals more and wants more information to help her decide.

Commissioner Bookout state we need an ordinance that complies with state law and allows outdoor grow.

Commissioner Halpin read from staff report and explained the definitions from Proposal A and asked if Planning Department would be able to make maps to show where the cannabis would be allowed.

Commissioner Jones asked what about the odor, how do you deal with the odor.

Chairman King read from the current ordinance and explained the risks.

Commissioner Turnbull stated he does not agree with the current ordinance. He stated pig slaughter houses stink, dairy farms smell you just deal with it because it is AG. Commissioner Turnbull stated the public needs to way in on it because it will be a change in culture.

Chairman King stated he would no longer like to be on the Ad-Hoc committee.

Mr. Plett explained only two members of commission can be on the Ad-Hoc committee. He stated we need direction from the commissioners.

Commissioner Halpin stated the Ad-Hoc did a great job. He stated we should adopt both plans and they need the ability to store the product. Mr. Halpin stated Proposal B is less restrictive because it is following the state laws.

Ms. Martinez stated Proposal A would be exempt from CEQA and Proposal B would

need EIR (Environmental Impact Report).

Commissioner Turnbull stated he would like to see the maps and a modification of Proposal A.

After further discussion;

Planning Commission gave direction to staff to Modify Proposal A with the modifications Commissioner Turnbull stated he would like in the Proposal which would include outdoor grow with the addition of setbacks, fencing and security. Commissioner Halpin stated he would like the provision included that non store front retail be allowed to store their product onsite. In addition, Planning Commission added they would like maps showing where the cannabis would be allowed to grow for each of the proposals.

4. ENVIRONMENTAL HEALTH / CODE ENFORCEMENT - Hearing on Notice Issued by the Enforcing Officer in Public Nuisance Enforcement Action Against the Premises

- A) HEARING - Planning Commission shall hold an administrative hearing to determine whether the conditions existing on the property constitute a public nuisance under Chapter 10.16 (Code) of the Tehama County Code

Owner: Estate of William D. Shepard, deceased

Site Address: 24955 Butler St., Los Molinos

APN: 078-400-037 (District 5)

- B) RESOLUTION - Request adoption of a Resolution declaring the existence of a public nuisance on the property is a use or condition of the property in violation of Tehama County Code 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.

Clint Weston, Code Enforcement Officer, presented the code case located at 24955 Butler Street. Mr. Weston stated he found there were people living in the home and the owner was deceased. He stated the structure was boarded up and the house was unsafe and vehicles were left on the parcel abandoned some were burnt.

Commissioner Turnbull asked was the house abated and have you found family for the deceased gentleman.

Mr. Weston stated with the authority of the Building Official Mr. Weston stated he boarded the house up and they have done thorough background checks and cannot find a next of kin. He stated the owner passed away around 1990.

Commissioner Turnbull asked if there were squatters living on the premises .

Mr. Weston stated all the occupants are squatters.

Commissioner Halpin asked if the county has an abatement program for vehicles .

Mr. Weston stated yes, but the vehicle is stuck.

Commissioner Jones made a motion to;

RESULT: APPROVED

MOVER: Karen Jones

SECONDER: Noel Bookout

AYES: Commissioner King, Commissioner Bookout, Commissioner Halpin, Commissioner Jones, and Commissioner Turnbull

5. ENVIRONMENTAL HEALTH / CODE ENFORCEMENT - Hearing on Notice Issued by the Enforcing Officer in Public Nuisance Enforcement Action Against the Premises

A) HEARING - Planning Commission shall hold an administrative hearing to determine whether the conditions existing on the property constitute a public nuisance under Chapter 10.16 (Code) of the Tehama County Code.

Owner: Lisa Rae Martinez
Site Address: 33860 Ponderosa Way, Paynes Creek
APN: 013-250-024 (District 3)

B) RESOLUTION - Request adoption of a Resolution declaring the existence of a public nuisance on the property is a use or condition of the property in violation of Tehama County Code 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.

Ron Robbins, Code Enforcement Officer, presented the code case located at 33860 Ponderosa Way. Mr. Robbins stated there have been several complaints about the trash scatter all over the ground. He stated there are vehicles full of trash and have plenty of complaints from the neighboring parcels.

Commissioner Turnbull asked is there trash pick up out there .

Mr. Robbins stated yes, there is trash pick up.

Commissioner Turnbull asked are the people renter or squatters .

Mr. Robbins stated they are squatters.

Commissioner Turnbull made a motion to;

- RESULT:** APPROVED
- MOVER:** Ian Turnbull
- SECONDER:** Robert Halpin
- AYES:** Commissioner King, Commissioner Bookout, Commissioner Halpin, Commissioner Jones, and Commissioner Turnbull

V. DIRECTOR COMMENTS

Jessica Martinez, Interim Planning Director, stated she had no additional comments.

VI. ADJOURN

NOTE:

Any written materials related to an open session item on this agenda that are submitted to the Planning Department less than 72 hours prior to the Planning Commission Meeting, and that are not exempt from disclosure under the Public Records Act, will promptly be made available for public inspection at the Tehama County Planning Department, 444 Oak Street, Room "1", Red Bluff, California, during normal business hours.

Anyone wishing to appeal a decision of the Planning Commission may do so within 10 calendar days for Use Permits and Tracts (Subdivisions). A \$575.00 filing fee (\$745.00 filing fee if appealing a Public Works condition) must be submitted with the letter of appeal. Requests for a re-hearing must be submitted within 5 calendar days for General Plan Amendments and Rezones. The appeal/request with fees must be submitted to: Tehama County Clerk of the Board of Supervisors, P.O. Box 250, 633 Washington Street, Room 12, Red Bluff, CA 96080.

Postmarks will not be accepted.

The meeting was adjourned at 11:32 AM.