

DOCKETED

Docket Number:	23-OPT-01
Project Title:	Fountain Wind Project
TN #:	253290-1
Document Title:	County of Shasta Wind Ordinance Administrative Record Part 1 of 8
Description:	N/A
Filer:	Dawn Forgeur
Organization:	County of Shasta
Submitter Role:	Public Agency
Submission Date:	11/21/2023 6:50:19 PM
Docketed Date:	11/22/2023



Shasta County

DEPARTMENT OF RESOURCE MANAGEMENT
1855 Placer Street, Redding, CA 96001

Paul A. Hellman
Director
Adam Fieseler
Assistant Director

November 21, 2023

Leonidas Payne, Project Manager
California Energy Commission
715 P Street
Sacramento, CA 95814

Subject: Docket Number 23-OPT-01 - Fountain Wind Project

Dear Mr. Payne,

The County of Shasta is hereby submitting its official records relating to the Board of Supervisors' approval of Ordinance No. SCC 2022-04, as amended by Ordinance No. SCC 2023-01, prohibiting large scale wind energy projects within the unincorporated area of Shasta County. These documents reflect the County's land use planning authority over large scale wind energy projects that pose a risk to the County, its residents and resources, risks that were made clear to the County during the County's review and denial of the Fountain Wind Project in October of 2021. Further, these documents are relevant to Fountain Wind's pending opt-in application, over which the County does not believe the Commission has jurisdiction. The County reserves all rights including jurisdictional claims.

Sincerely,

Paul A. Hellman
Director of Resource Management

□ Suite 101

AIR QUALITY MANAGEMENT DISTRICT
(530) 225-5674
Fax (530) 225-5237

□ Suite 102

BUILDING DIVISION
(530) 225-5761
Fax (530) 245-6468

□ Suite 103

PLANNING DIVISION
(530) 225-5532
Fax (530) 245-6468

□ Suite 201

ENVIRONMENTAL HEALTH DIVISION
(530) 225-5787
Fax (530) 225-5413

■ Suite 200

ADMINISTRATION
(530) 225-5789
Fax (530) 225-5807

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of:

Fountain Wind Project Opt-In
Application for Certification

Docket No. 23-OPT-01

**COUNTY OF SHASTA
OFFICIAL RECORDS RELATING TO
BOARD OF SUPERVISORS ORDINANCE NO. SCC 2022-04
AS AMENDED BY SCC 2023-01**

Ryan M. F. Baron
BEST BEST & KRIEGER LLP
18101 Von Karman Avenue, Suite 1000
Irvine, CA 92612
Telephone: (949) 263-6568
ryan.baron@bbklaw.com

Sarah E. Owsowitz
BEST BEST & KRIEGER LLP
2001 North Main Street, Suite 390
Walnut Creek, CA 94596
Telephone: (925) 977-3300
sarah.owsowitz@bbklaw.com

Paul Hellman, Director
Department of Resource Management
County of Shasta
1855 Placer Street, Suite 102
Redding, CA 96001
Telephone: (530) 225-5114
phellman@co.shasta.ca.us

November 21, 2023

ADMINISTRATIVE RECORD INDEX

No.	Date	Document	Bates Range
	(A)	NOTICE OF EXEMPTION	
1.	7/15/2022	Notice of Exemption from County of Shasta Planning Division Re: Zone Amendment 22-0001	COS0000001-COS0000002
	(B)	RESOLUTIONS & ORDINANCES	
2.	1/13/2022	Planning Commission Resolution No. 2022-003: A Resolution of Intention of the Shasta County Planning Commission to Consider Amendments to the Shasta County Zoning Plan Regulating Large Wind Energy Systems	COS0000003-COS0000004
3.	5/12/2022	Planning Commission Resolution No. 2022-014: A Resolution of the Shasta County Planning Commission Recommending that the Shasta County Board of Supervisors Approve Zone Amendment 22-0001 Regulating Small and Large Wind Energy Systems	COS0000005-COS0000012
4.	7/12/2022	Ordinance No. SCC 2022-04: An Ordinance of the Board of Supervisors of the County of Shasta Regulating Small and Large Wind Energy Systems	COS0000013-COS0000018
5.	8/16/2022	Board of Supervisors Resolution No. 2022-097: A Resolution of Intention of the Board of Supervisors of the County of Shasta to Consider Amendments to the Shasta County Zoning Plan in Light of Assemble Bill 205 Relative to the Regulation of Large Wind Energy	COS0000019-COS0000020
6.	2/9/2023	Planning Commission Resolution No. 2023-007: A Resolution of the Shasta County Planning Commission Recommending that the Shasta County Board of Supervisors Approve Zone Amendment 23-0001 Amending Section 17.88.335, Large Wind Energy Systems, of the Shasta County Code in Light of Assembly Bill 205	COS0000021-COS0000028
7.	3/14/2023	Ordinance No. SCC 2023-01: An Ordinance of the Board of Supervisors of the County of Shasta Amending Section 17.88.335, Large Wind Energy Systems, of the Shasta County Code In Light of Assembly Bill 205	COS0000029-COS0000034
	(C)	AGENDAS, STAFF REPORTS and DOCUMENTS SUBMITTED FOR PUBLIC MEETINGS	
8.	11/10/2021	Shasta County Planning Commission Meeting Agenda	COS0000035-COS0000037

County of Shasta
Large Wind Energy Systems Prohibition
Ordinance No. SCC 2022-04, as amended by SCC 2023-01

No.	Date	Document	Bates Range
9.	12/9/2021	Shasta County Planning Commission Meeting Agenda	COS0000038-COS0000040
10.	12/9/2021	<p>Shasta County Planning Commission Staff Report, Agenda Item R2 - Potential Zoning and General Plan Changes and Moratorium Concerning Large Wind Energy Systems</p> <ul style="list-style-type: none"> • Attachment 1 - Initial Draft Resolution No. 2021-___ A Resolution of the Shasta County Planning Commission Recommending to the Board of Supervisors the Adoption of a Moratorium on Wind Turbine Developments in Shasta County Pending Further Study and Potential Changes to the County's Zoning Ordinances and General Plan to Better Guide Future Developers and the Public • Attachment 2 - Alternative Draft Resolution No. __ A Resolution of the Shasta County Planning Commission Recommending to the Board of Supervisors that Further Study of Wind Turbine Developments in Shasta County be Undertaken and to Initiate the Process for Potential Changes to the County's Zoning Ordinances and General Plan to Better Guide Future Developers and the Public • Attachment 3 - Memorandum from Rubin E. Cruse, Jr. County Counsel Re: "Moratorium on Large Wind Energy Systems dated November 19, 2021 	COS0000041-COS0000056
11.	1/13/2022	Shasta County Planning Commission Meeting Agenda	COS0000057-COS0000060
12.	1/13/2022	<p>Shasta County Planning Commission Staff Report, Agenda Item R3 - Potential Zoning Changes Concerning Large Wind Energy Systems.</p> <ul style="list-style-type: none"> • Attachment 1 - Draft Resolution of Intention No. 2022-003 – A Resolution of Intention of the Shasta County Planning Commission to Consider Amendments to the Shasta County Zoning Plan Regulating Large Wind Energy Systems 	COS0000061-COS0000064
13.	4/14/2022	Shasta County Planning Commission Meeting Agenda	COS0000065-COS0000067

County of Shasta
Large Wind Energy Systems Prohibition
Ordinance No. SCC 2022-04, as amended by SCC 2023-01

No.	Date	Document	Bates Range
14.	4/14/2022	<p>Shasta County Planning Commission Staff Report, Agenda Item R3 - Zone Amendment 22-001 Regulation of Wind Energy Systems County-Wide (Zoning Text Amendment)</p> <ul style="list-style-type: none"> • Attachment 1 - Planning Commission Resolution No. 2022-003 A Resolution of Intention of the Shasta County Planning Commission to Consider Amendments to the Shasta County Zoning Plan Regulating Large Wind Energy Systems • Attachment 2 - Draft Resolution No. 2022-013 A Resolution of the Shasta County Planning Commission Recommending that the Shasta County Board of Supervisors Approve Zone Amendment 22-0001 Regulating Small and Large Wind Energy Systems • Attachment 3 - Draft Strikeout Ordinance No. SCC 2022-___. An Ordinance of the Board of Supervisors of the County of Shasta Regulating Small and Large Wind Energy Systems • Attachment 4 - Draft Ordinance No. SCC 2022-___. An Ordinance of the Board of Supervisors of the County of Shasta Regulating Small and Large Wind Energy Systems 	COS0000068-COS0000086
15.	4/14/2022	Public Comments received for 4/14/2022 Shasta County Planning Commission Meeting	COS0000087-COS0000307
16.	5/12/2022	Shasta County Planning Commission Meeting Agenda	COS0000308-COS0000312
17.	5/12/2022	<p>Shasta County Planning Commission Staff Report, Agenda Item R5 - Zone Amendment 22-0001 Regulation of Wind Energy Systems County-Wide (Zoning Text Amendment)</p> <ul style="list-style-type: none"> • Attachment 1 - Letter from Anne E. Mudge of Cox, Castle & Nicholson, LLP dated April 13, 2022 • Attachment 2 - Additional Public Comments • Attachment 3 - Planning Commission Resolution No. 2022-003 A Resolution of Intention of the Shasta County Planning Commission to Consider Amendments to the 	COS0000313-COS0000411

County of Shasta
Large Wind Energy Systems Prohibition
Ordinance No. SCC 2022-04, as amended by SCC 2023-01

No.	Date	Document	Bates Range
		<p>Shasta County Zoning Plan Regulating Large Wind Energy Systems</p> <ul style="list-style-type: none"> • Attachment 4 - Draft Resolution No. 2022-014 A Resolution of the Shasta County Planning Commission Recommending that the Shasta County Board of Supervisors Approve Zone Amendment 22-0001 Regulating Small and Large Wind Energy Systems • Attachment 5 - Draft Strikeout Ordinance No. SCC 2022-____ An Ordinance of the Board of Supervisors of the County of Shasta Regulating Small and Large Wind Energy Systems • Attachment 6 - Draft Ordinance No. SCC 2022-____ An Ordinance of the Board of Supervisors of the County of Shasta Regulating Small and Large Wind Energy Systems 	
18.	5/12/2022	Shasta County Planning Commission Presentation Re: Item R5: Zone Amendment 22-0001 Regulation of Wind Energy Systems	COS0000412-COS0000453
19.	5/12/2022	Public Comments received for 5/12/2022 Shasta County Planning Commission Meeting	COS0000454-COS0000455
20.	7/12/2022	Shasta County Board of Supervisors Meeting Agenda	COS0000556--COS0000562
21.	7/12/2022	<p>Shasta County Board of Supervisors Staff Report, Agenda Item Resource Management-13</p> <ul style="list-style-type: none"> • Attachment 1 - Planning Commission Resolution No. 2022-003 A Resolution of Intention of the Shasta County Planning Commission to Consider Amendments to the Shasta County Zoning Plan Regulating Large Wind Energy Systems • Attachment 2 - Planning Commission Staff Report from 5/12/2022 • Attachment 3 - Public Comments Received Through 5/12/2022 • Attachment 4 - Planning Commission Resolution No. 2022-014 014 A Resolution of the Shasta County Planning Commission Recommending that the Shasta County Board of Supervisors Approve Zone Amendment 22- 	COS0000563-COS0000669

County of Shasta
Large Wind Energy Systems Prohibition
Ordinance No. SCC 2022-04, as amended by SCC 2023-01

No.	Date	Document	Bates Range
		0001 Regulating Small and Large Wind Energy Systems <ul style="list-style-type: none"> Attachment 5 - Draft Ordinance No. SCC 2022-____ An Ordinance of the Board of Supervisors of the County of Shasta Regulating Small and Large Wind Energy Systems Attachment 6 - Strikeout Version of Draft Ordinance No. SCC 2022-____ An Ordinance of the Board of Supervisors of the County of Shasta Regulating Small and Large Wind Energy Systems Attachment 7 - AB 205 Letter of Opposition 	
22.	7/12/2022	Shasta County Board of Supervisors Staff Presentation Re: Item R13: Zone Amendment 22-0001 Regulation of Wind Energy Systems	COS0000670-COS0000682
23.	7/12/2022	Public Comments received for 7/12/2022 Shasta County Planning Commission Meeting	COS0000683-COS0000752
24.	8/16/2022	Shasta County Board of Supervisors Meeting Agenda	COS0000753-COS0000761
25.	8/16/2022	Shasta County Board of Supervisors Staff Report, Agenda Item - Resource Management-7 <ul style="list-style-type: none"> Attachment 1 - Draft Resolution to Consider Amendments to the Shasta County Zoning Plan in Light of Assembly Bill 205 Relative to the Regulation of Large Wind Energy Systems 	COS0000762-COS0000766
26.	1/12/2023	Shasta County Planning Commission Meeting Agenda	COS0000767-COS0000769
27.	2/9/2023	Shasta County Planning Commission Meeting Agenda	COS0000770-COS0000774
28.	2/9/2023	Shasta County Planning Commission Staff Report, Agenda Item R6 - Zone Amendment 23-0001 Large Wind Energy Systems County-Wide (Zoning Text Amendment) <ul style="list-style-type: none"> Attachment 1 - Board of Supervisors Resolution No. 2022-097 A Resolution of Intention of the Board of Supervisors of the County of Shasta to Consider Amendments to the Shasta County Zoning Plan in Light of 	COS0000775-COS0000792

County of Shasta
Large Wind Energy Systems Prohibition
Ordinance No. SCC 2022-04, as amended by SCC 2023-01

No.	Date	Document	Bates Range
		<p>Assembly Bill 205 Relative to the Regulation of Large Wind Energy Systems</p> <ul style="list-style-type: none"> Attachment 2 - Draft Resolution No. 2023-007 A Resolution of the Shasta County Planning Commission Recommending that the Shasta County Board of Supervisors Approve Zone Amendment 23-0001 Amending Section 17.88.335, Large Wind Energy Systems, of the Shasta County Code In Light of Assembly Bill 205 Attachment 3 - Draft Strikeout Ordinance No. SCC 2023-____ An Ordinance of the Board of Supervisors of the County of Shasta Amending Section 17.88.335, Large Wind Energy Systems, of the Shasta County Code in Light of Assembly Bill 205 Attachment 4 - Draft Ordinance No. SCC 2023-____ An Ordinance of the Board of Supervisors of the County of Shasta Amending Section 17.88.335, Large Wind Energy Systems, of the Shasta County Code in Light of Assembly Bill 205 	
29.	2/9/2023	Shasta County Planning Commission Presentation Re: Item R6: Zone Amendment 23-0001 Large Wind Energy Systems	COS0000793-COS0000814
30.	3/14/2023	Shasta County Board of Supervisors Meeting Agenda	COS0000815-COS0001031
31.	3/14/2023	<p>Shasta County Board of Supervisors Staff Report, Agenda Item Resource Management-8</p> <ul style="list-style-type: none"> Attachment 1 - Planning Commission Resolution 2023-007 A Resolution of the Shasta County Planning Commission Recommending that the Shasta County Board of Supervisors Approve Zone Amendment 23-0001 Amending Section 17.88.335, Large Wind Energy Systems, of the Shasta County Code In Light of Assembly Bill 205 Attachment 2 - Strikeout Version of Draft Ordinance No. SCC 2023-____ An Ordinance of the Board of Supervisors of the County of Shasta Amending Section 17.88.335, Large Wind Energy Systems, of the Shasta County Code in Light of Assembly Bill 205 	COS0001032-COS0001054

County of Shasta
Large Wind Energy Systems Prohibition
Ordinance No. SCC 2022-04, as amended by SCC 2023-01

No.	Date	Document	Bates Range
		<ul style="list-style-type: none"> Attachment 3 - Draft Ordinance . SCC 2023-____ An Ordinance of the Board of Supervisors of the County of Shasta Amending Section 17.88.335, Large Wind Energy Systems, of the Shasta County Code in Light of Assembly Bill 205 	
	(D)	MINUTES AND RECORDINGS FROM PLANNING COMMISSION AND BOARD OF SUPERVISORS MEETINGS	
32.	11/10/2021	Shasta County Planning Commission Special Meeting Minutes	COS0001055-COS0001060
33.	11/10/2021	Shasta County Planning Commission November 10, 2021 Special Meeting Audio Recording	COS0001061
34.	12/9/2021	Shasta County Planning Commission Regular Meeting Minutes	COS0001062-COS0001063
35.	12/9/2021	Shasta County Planning Commission December 9, 2021 Regular Meeting Video Recording	COS0001064
36.	1/13/2022	Shasta County Planning Commission Regular Meeting Minutes	COS0001065-COS0001067
37.	1/13/2022	Shasta County Planning Commission Resolution No. 2022-003 - Resolution of Intention of the Shasta County Planning Commission to Consider Amendments to the Shasta County Zoning Plan Regulating Large Wind Energy Systems	COS0001068-COS0001069
38.	1/13/2022	Shasta County Planning Commission January 13, 2022 Regular Meeting Video Recording	COS0001070
39.	4/14/2022	Shasta County Planning Commission Regular Meeting Minutes	COS0001071-COS0001078
40.	4/14/2022	Shasta County Planning Commission April 14, 2022 Regular Meeting Video Recording	COS0001079
41.	5/12/2022	Shasta County Planning Commission Regular Meeting Minutes	COS0001080-COS0001087
42.	5/12/2022	Shasta County Planning Commission May 12, 2022 Regular Meeting Video Recording - Part 1	COS0001088
43.	5/12/2022	Shasta County Planning Commission May 12, 2022 Regular Meeting Video Recording - Part 2	COS0001089
44.	7/12/2022	Shasta County Board of Supervisors Regular Meeting Minutes	COS0001090-COS0001099
45.	7/12/2022	Shasta County Board of Supervisors July 12, 2022 Regular Meeting Video Recording	COS0001100
46.	8/16/2022	Shasta County Board of Supervisors Regular Meeting Minutes	COS0001101-COS0001113

County of Shasta
Large Wind Energy Systems Prohibition
Ordinance No. SCC 2022-04, as amended by SCC 2023-01

No.	Date	Document	Bates Range
47.	8/16/2022	Shasta County Board of Supervisors August 16, 2022 Regular Meeting Video Recording	COS0001114
48.	1/12/2023	Shasta County Planning Commission Special Meeting Minutes	COS0001115- COS0001117
49.	1/12/2023	Shasta County Planning Commission January 2, 2023 Special Meeting Video Recording	COS0001118
50.	2/9/2023	Shasta County Planning Commission Regular Meeting Minutes	COS0001119- COS0001124
51.	2/9/2023	Shasta County Planning Commission February 9, 2023 Regular Meeting Video Recording - Part 1	COS0001125
52.	2/9/2023	Shasta County Planning Commission February 9, 2023 Regular Meeting Video Recording - Part 2	COS0001126
53.	3/14/2023	Shasta County Board of Supervisors Regular Meeting Minutes	COS0001127- COS0001137
54.	3/14/2023	Shasta County Board of Supervisors March 14, 2023 Regular Meeting Video Recording	COS0001138
	(E)	REMAINDER OF ADMINISTRATIVE RECORD	
55.	4/1/2022	Notice of April 14, 2022 Public Hearing by the Shasta County Planning Commission to Consider Adopting a Resolution Recommending the Board of Supervisors Adopt an Ordinance Regulating Small and Large Wind Energy Systems	COS0001139
56.	4/5/2022	Emails between Ron Dykstra, Lio Salazar and Paul Hellman Re: Fire Hazard Zones in Shasta County	COS0001140- COS0001142
57.	4/13/2022	Emails between Paul Hellman and Steve Kerns Re: April 14, 2022 Shasta County Planning Commission Meeting	COS0001143- COS0001144
58.	4/13/2022	Kerns Photo - Plane	COS0001145
59.	4/14/2022	Kerns Photo	COS0001146
60.	4/14/2022	Emails between Paul Hellman and Sean O'Hara Re: Continued Planning Commission Meeting	COS0001147- COS0001148
61.	5/16/2022	Email from Maggie Osa to Paul Hellman Re: Resolution No 2022-014 for the Supervisors	COS0001149
62.	6/1/2022	Email from Jennifer Legends to Shasta County Board of Supervisors Re: Wind Turbines	COS0001150
63.	6/1/2022	Email from Jim Fawcett to Clerk of the Board Re: Wind Farms	COS0001151
64.	6/7/2022	Email Between Ron Dykstra and Paul Hellman Re: Wind Energy Systems Ordinance	COS0001152

County of Shasta
Large Wind Energy Systems Prohibition
Ordinance No. SCC 2022-04, as amended by SCC 2023-01

No.	Date	Document	Bates Range
65.	6/27/2022	Request for Publication of Notice of July 12, 2022 Board of Supervisors Public Hearing and Summary of Ordinance Amending the Shasta County Zoning Plane (Zone Amendment 22-0001)	COS0001153
66.	6/27/2022	Notice of July 12, 2022 Board of Supervisors Public Hearing and Summary of Ordinance Amending the Shasta County Zoning Plane (Zone Amendment 22-0001)	COS0001154
67.	6/27/2022	Email from Paul Hellman to Commissioners Re: Zone Amendment 22-0001 (Wind Energy Systems Ordinance)	COS0001155
68.	6/27/2022	Email between Paul Hellman and Maggie Osa Re: Resolution No 2022-014 for the Supervisors	COS0001156
69.	6/27/2022	Email between Paul Hellman and Ron Dykstra Re: Wind Energy Systems Ordinance	COS0001157
70.	6/28/2022	Email from Paul Hellman to Public re scheduled meeting Re: Zone Amendment 22-0001 (Wind Energy Systems Ordinance)	COS0001158
71.	6/29/2022	Email from M. Osa to P. Hellman re Wind Watch Article	COS0001159
72.	7/1/2022	Email Correspondence from Paul Yoder and Karen Lange Re: Floor Notes on Assembly and Senate Budget Trailer Bills Debate	COS0001160- COS0001161
73.	6/29/2022	Email Attachment 1: Floor Notes from Assembly and Senate Budget Bill(s) Debate on June 29, 2022	COS0001162- COS0001169
74.	6/29/2022	Email Attachment 2: Floor Notes from Assembly and Senate Budget Bill(s) Debate on June 29, 2022	COS0001170- COS0001180
75.	7/5/2022	Email between Maggie Osa and Paul Hellman Re: Wind Watch Article	COS0001181
76.	7/6/2022	Email Correspondence from Steve Johnson to Paul Hellman Re: New State law and impact of same on upcoming BOS hearing on proposed ban of large wind energy systems	COS0001182
77.	7/6/2022	Email between Paul Hellman and Steve Johnson Re: New State law and impact of same on upcoming BOS hearing on proposed ban of large wind energy systems	COS0001183
78.	7/6/2022	Email Attachment: Assembly Bill No. 205	COS0001184- COS0001231
79.	7/6/2022	Email between Steve Johnson and Paul Hellman Re: New State law and impact of same on upcoming BOS hearing on proposed ban of large wind energy systems	COS0001232- COS0001233

County of Shasta
Large Wind Energy Systems Prohibition
Ordinance No. SCC 2022-04, as amended by SCC 2023-01

No.	Date	Document	Bates Range
80.	7/6/2022	Emails between Steve Johnson and Paul Hellman Re: New State law and impact of same on upcoming BOS hearing on proposed ban of large wind energy systems	COS0001234- COS0001238
81.	7/8/2022	Email from Paul Hellman to Public Re: Zone Amendment 22-0001 (Wind Energy Systems Ordinance) - Follow-up	COS0001239
82.	9/12/2022	AB 205 Opt-In Process Webinar	COS0001240- COS0001241
83.	9/12/2022	Notice of Webinar on AB 205, Opt-In Certification Provisions	COS0001242- COS0001244
84.	11/2/2022	Email from Christina Turner to Chimenti Re: No new fossil fuels	COS0001245
85.	11/2/2022	Email from Christina Turner to Rickert Re: No new fossil fuels	COS0001246
86.	11/2/2022	Email from Christina Turner to Baugh Re: No new fossil fuels	COS0001247
87.	1/23/2023	Emails between Ron Dykstra and Paul Hellman Re: County Ordinances and Fountain Wind LLC	COS0001248
88.	1/27/2023	Notice of February 9, 2023 Public Hearing by the Shasta County Planning Commission to Consider Adopting a Resolution Recommending the Board of Supervisors Adopt an Ordinance Amending Section 17.88.335, Large Wind Energy Systems, of the Shasta County Code in Light of Assembly Bill 205	COS0001249
89.	1/27/2023	Email from Art Gawf to Shasta County Board of Supervisors Re: Wind Turbines	COS0001250
90.	2/14/2023	Notice of March 14, 2023 Board of Supervisors Public Hearing and Summary of Ordinance Amending the Shasta County Zoning Plan (Zone Amendment 23-0001)	COS0001251
91.	6/28/2023	Email from Maggie Osa to Shasta County Board of Supervisors Re: Thank You	COS0001252

45-07192022-088

Recorded on: 07/19/2022

Expiration Date: 08/18/2022

"By *[Signature]*, Deputy Clerk"RECEIVED
SHASTA COUNTY

JUL 20 2022

DEPT OF RESOURCE MGMT
BUILDING DIVISION**Shasta County Clerk 2022 Environmental Filing Fee Cash Receipt**

Complete and attach this form to each CEQA Notice of Determination/Exemption filed with the County Clerk

Type or Print Clearly

Lead Agency SHASTA COUNTY RESOURCE MANAGEMENT Email Address resourcemanagement@co.SHASTA.CA.USProject Title ZONE AMENDMENT 22-0001Project Applicant SHASTA COUNTY Email Address _____Applicant Type: ☒ Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private EntityProject Applicant Address 1855 PLACER STREET, STE 103City REDDING State CA Zip 96001 Phone Number 5302255534**Environmental Impact Report (EIR)**

Environmental Filing Fee (Fish and Game Code 711.4) \$ 3,539.25

Mitigated Negative Declaration (MND) / Negative Declaration (ND)

Environmental Filing Fee (Fish and Game Code 711.4) \$ 2,548.00

Notice of Exemption (NOE)/ No Effect Determination (NED)

<input checked="" type="checkbox"/> Notice of Exemption	No Fee
<input type="checkbox"/> CDFW No Effect Determination (must attach letter)	No Fee

Administrative Fees

<input type="checkbox"/> Previously Paid (must attach receipt)	Receipt #
<input checked="" type="checkbox"/> County Administrative Fee	\$ 81.00

Payment Method:

<input type="checkbox"/> Cash	<input type="checkbox"/> Credit / Debit Card
<input type="checkbox"/> Check	<input checked="" type="checkbox"/> Other <u>JOURNAL ENTRY 083690</u>

Receipt Information:

Receipt #	<u>45-07192022-088</u>
State Clearinghouse #	_____

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

Notice of Exemption

To: ☐ Office of Planning & Research
P.O. Box 3044, Room 212
Sacramento, CA 95814

From: County of Shasta
Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

☒ Shasta County Clerk/Registrar of Voters
1643 Market Street
Redding, CA 96001

Project Title: Zone Amendment 22-0001

Project Applicant: County of Shasta

Project Location - Specific: Countywide

Project Location - City: _____

Project Location - County: Shasta

Description of Nature, Purpose, and Beneficiaries of Project: Ordinance amending the text of the Shasta County Zoning Plan, Title 17 of the Shasta County Code, to regulate small and large wind energy systems within the unincorporated area of Shasta County.

Name of Public Agency Approving Project: Shasta County

Name of Person or Agency Carrying Out Project: County of Shasta

Exempt Status: (check one)

- ☐ Ministerial (Sec. 15268)
- ☐ Declared Emergency (Sec. 15269 (a))
- ☐ Emergency Project (Sec. 5269(b)(c))
- ☐ Categorical Exemption. State type and code section number: (Sec. 15301 - Class 1, Existing Facilities)
- ☐ Statutory Exemption. State code sections:
- ☒ Other Exemption. State CEQA Guidelines Section 15060(c)(2)

Reasons why project is exempt: The project has been determined not to be subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) since it can be seen with certainty that this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Contact Person: Paul Hellman, Director of Resource Management

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: Paul A. Hellman
Paul A. Hellman

Title: Director of Resource Management

Date received for filing at OPR: _____

RESOLUTION NO. 2022-003

**RESOLUTION OF INTENTION OF THE SHASTA COUNTY PLANNING
COMMISSION TO CONSIDER AMENDMENTS TO THE SHASTA COUNTY
ZONING PLAN REGULATING LARGE WIND ENERGY SYSTEMS**

WHEREAS, the County of Shasta has adopted a Zoning Plan identified as Title 17 (Zoning) of the Shasta County Code.

WHEREAS, the County of Shasta may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

WHEREAS, California Government Code section 65850 authorizes the County of Shasta to adopt ordinances that regulate the use of buildings, structures, and land and the intensity of land uses.

WHEREAS, the Zoning Plan regulates small wind energy systems, which are defined as wind energy conversion systems consisting of a wind turbine, a tower, and associated control or conversion electronics used primarily to reduce on-site consumption of utility power.

WHEREAS, private wind energy production systems not classified as small wind energy systems are regulated by the Zoning Plan as public utilities, which are permissible in all zone districts with the approval of a use permit.

WHEREAS, the adverse impacts of private wind energy production systems not classified as small wind energy systems, particularly with respect to wildfire, aerial firefighting, aesthetics, biological resources, and historical, cultural, and tribal resources, are of significant concern to many residents of Shasta County as evidenced by the numerous public comments received regarding the proposed Fountain Wind Project between 2019 and 2021.

WHEREAS, the vast majority of the unincorporated area of Shasta County is designated as being in the High and Very High Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection.

WHEREAS, the Shasta County Planning Commission is of the opinion that private wind energy production systems not classified as small wind energy systems are incompatible in the High and Very High Fire Hazard Severity Zones.

WHEREAS, amendments to the Zoning Plan to define and regulate private wind energy production systems not classified as small wind energy systems in the unincorporated area of Shasta County, should be considered, in furtherance of the public necessity, convenience, and general welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Shasta County Planning Commission, pursuant to section 17.92.080(B) of the Shasta County Code, hereby intends to consider amendments to the Zoning Plan to regulate private wind energy production systems not classified as small wind energy systems in furtherance of the public necessity, convenience, and general welfare.

BE IT FURTHER RESOLVED, that such proposed regulations consist of defining private wind energy production systems not classified as small wind energy systems as large wind energy systems and prohibiting the development of such systems in the unincorporated area of Shasta County.

BE IT FURTHER RESOLVED, that the Shasta County Department of Resource Management is directed to study the matter, propose amendments to the Zoning Plan, and submit any proposed amendments to the Shasta County Planning Commission, in accordance with section 17.92.080 of the Shasta County Code, for the Planning Commission's consideration and recommended action.

DULY PASSED AND ADOPTED this 13th day of January 2022, by the following vote:

AYES: CHAPIN, KERNS, MACLEAN, WALLNER

NOES:

ABSENT: WALGAMUTH

ABSTAIN:

RECUSE:



TIM MACLEAN, Chair
Planning Commission
County of Shasta, State of California

ATTEST:



PAUL A. HELLMAN, Secretary
Planning Commission
County of Shasta, State of California

RESOLUTION NO. 2022-014

**A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION
RECOMMENDING THAT THE SHASTA COUNTY BOARD OF SUPERVISORS
APPROVE ZONE AMENDMENT 22-0001
REGULATING SMALL AND LARGE WIND ENERGY SYSTEMS**

WHEREAS, the County of Shasta (County) has adopted a Zoning Plan identified as Title 17 (Zoning) of the Shasta County Code (SCC); and

WHEREAS, based on Planning Commission Resolution No. 2022-003, a resolution of intention to consider amendments to the Shasta County Zoning Plan to prohibit wind energy conversion systems other than small wind energy systems, County staff drafted an ordinance to define wind energy conversion systems not classified as small wind energy systems as large wind energy systems and to prohibit the development of such systems in the unincorporated area of Shasta County; and

WHEREAS, duly noticed public hearings were held on April 14, 2022, and May 12, 2022, at which time all interested persons were given an opportunity to comment and those comments were considered by the Planning Commission.

WHEREAS, the Shasta County Planning Commission has considered public comments and a report from the Planning Division.

NOW, THEREFORE BE IT RESOLVED, by the Shasta County Planning Commission that:

1. The foregoing recitals are true and correct.
2. The Planning Commission has independently reviewed and considered the proposed zone amendment, together with all public comments and a report from the Planning Division.
3. Adoption of the ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) since it can be seen with certainty that this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.
4. The proposed Zone Amendment is consistent with the Shasta County General Plan on the basis that the ordinance prohibits a type of development that is incompatible in high risk fire hazard areas from locating in such areas (Objective FS-1), protects the natural scenery along scenic highways from new development which would diminish the aesthetic value of the scenic corridor (Objective SH-1), and guides development in a pattern that will respect the natural resource values of County lands and their contributions to the County's economic base and that will minimize land use conflicts between adjacent land uses (Objectives CO-3 & CO-4).
5. The Planning Commission recommends that the Shasta County Board of Supervisors introduce, waive the reading of, and enact an ordinance amending the Zoning Plan of the County of Shasta, identified as Zone Amendment 22-0001, by adding SCC Section 17.88.335 to define and prohibit large wind energy systems within the unincorporated area of Shasta County, amending SCC Section 17.88.035 to modify the definition of, and development regulations for, small wind energy systems, and amending SCC Section 17.88.100 to exclude large wind energy systems from being a permissible public utility with the approval of a use permit.

DULY PASSED AND ADOPTED this 12th day of May, 2022, by the following vote:

AYES: CHAPIN, KERNS, WALGAMUTH, WALLNER

NOES: MACLEAN

ABSENT:

ABSTAIN:

RECUSE:



TIM MACLEAN, Chair
Planning Commission
County of Shasta, State of California

ATTEST:



PAUL A. HELLMAN, Secretary
Planning Commission
County of Shasta, State of California

ORDINANCE NO. SCC 2022-_____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
REGULATING SMALL AND LARGE WIND ENERGY SYSTEMS**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Section 17.88.035, "Small wind energy systems," of the Shasta County Code is amended as follows:

Small wind energy systems may be permitted with either an approved administrative permit or use permit, subject to the following requirements.

A. The following definitions govern this section:

"Small wind energy system" means a wind energy conversion system consisting of a wind turbine(s), a tower(s), and associated control or conversion electronics which will be used to reduce on-site consumption of utility electricity obtained via the electric grid or to enable on-site generation of electricity in lieu of connecting to the electric grid.

"Tower height" means the height above grade of the fixed position of the tower, excluding the wind turbine.

- B. One wind turbine may be permitted with an approved administrative permit. Two or more wind turbines may be permitted with an approved use permit.
- C. With an approved administrative permit, tower heights of not more than sixty-five feet shall be allowed on parcels between one and five acres, and tower heights of not more than eighty feet shall be allowed on parcels greater than five acres, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. Tower heights in excess of the aforementioned limits may be permitted with an approved use permit.
- D. Setbacks for the system tower from the property line shall be no less than the height of the system, provided that it also complies with any applicable fire setback requirements including, but not limited to, Section 4290 of the Public Resources Code as it may be amended from time to time.
- E. Decibel levels for the system shall not exceed the noise standards established in the Noise Element of the General Plan, except during short-term events such as utility outages and severe wind storms.

- F. The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 [commencing with Section 21001] of Division 9 of the Public Utilities Code) as those requirements may be amended from time to time.
- G. The applicant shall provide information demonstrating that the system will be used to reduce on-site consumption of electricity obtained via the electric grid or to enable on-site generation of electricity in lieu of connecting to the electric grid. The application shall include evidence, unless the applicant does not plan to connect the system to the electric grid, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.
- H. A small wind energy system shall not be allowed where otherwise prohibited by any of the following:
 - 1. A comprehensive land use plan and implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.
 - 2. The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.
 - 3. The county to protect the scenic appearance of the scenic highway corridor pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of Streets and Highways Code.
 - 4. The terms of a conservation easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
 - 5. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.23 (commencing with Section 10200) of the Public Resources Code.
 - 6. The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.
 - 7. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.
- I. In the event a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the county may take reasonable steps,

concurrent with other notices issued pursuant to this subdivision, to notify aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agriculture Code as it may be amended from time to time.

SECTION II.

Section 17.88.100, “Public uses, public utilities, and high voltage electrical transmission and distribution projects,” of the Shasta County Code is amended as follows:

- A. High voltage electrical transmission and distribution projects are permitted if a use permit is issued. Section 17.92.025 of this title governs those projects and sets forth various standards and requirements for applications, permit review, and related matters. In some cases, state and federal laws may regulate certain types or characteristics of these projects. This section shall be construed to provide the county with the maximum control consistent with such other laws.
- B. Public uses and public utilities, with the exception of large wind energy systems as defined in subsection 17.88.335.B. of this chapter, are permitted if a use permit is issued, except that public utility transmission lines, towers, distribution poles and lines, regardless of height, and gas pipelines, which are not associated with high voltage electrical transmission and distribution projects, are permitted uses.
- C. A use permit shall not be issued for a public use or utility or a high voltage electrical transmission and distribution project in a resource district unless findings are made that there is not a reasonable alternative site outside of a resource district, and the impacts from the project on the resource land have been reduced to the lowest reasonable level.
- D. Notwithstanding subsections A and B and C of this section and Section 17.94.040, minor additions or alterations to existing public utility facilities or high voltage electrical transmission and distribution projects, such as construction of small, unmanned buildings or addition of microwave dishes to an existing tower, are permitted uses, and shall not require amendment of a use permit.
- E. Notwithstanding subsections A and B and C of this section, small, new public utility facilities or small, new facilities associated with existing high voltage electrical transmission and distribution projects, such as unmanned telecommunication relay or booster stations, are permitted if an administrative permit is issued.

SECTION III.

Section 17.88.335, Large wind energy systems,” is added to the Shasta County Code as follows:

17.88.335 Large wind energy systems.

A. Legislative Findings.

The Board of Supervisors finds as follows:

1. California Government Code section 65850 authorizes the County of Shasta to adopt ordinances that regulate the use of buildings, structures, and land and the intensity of land uses.
2. Pursuant to Article XI, Section 7, of the California Constitution, the County of Shasta may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and general welfare of its citizens.
3. The adverse impacts of large wind energy systems, particularly with respect to wildfire, aerial firefighting, aesthetics, biological resources, and historical, cultural, and tribal resources, are of significant concern to many residents of Shasta County as evidenced by the numerous public comments received between 2019 and 2021 regarding the proposed Fountain Wind Project.
4. The vast majority of the unincorporated area of Shasta County is designated as being in the High and Very High Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection. Large wind energy systems are incompatible in the High and Very High Fire Hazard Severity Zones.
5. Regulations are needed to protect the public health, safety, and welfare of residents from the adverse impacts of large wind energy systems.
6. The Board of Supervisors enacts this section to prohibit large wind energy systems in furtherance of the public necessity, health, safety, convenience, and general welfare.

B. Definitions.

The following definition governs this section:

“Large wind energy system” means a wind energy conversion system that is not defined as a small wind energy system pursuant to subsection 17.88.035.A. of this chapter.

C. Prohibition.

Large wind energy systems are prohibited in all zone districts of the unincorporated area of the County of Shasta and no permit or approval of any type shall be issued therefor.

SECTION IV.

The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) since it can be seen with certainty that this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION V.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

SECTION VI.

All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby superseded by this ordinance. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION VII.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this XX day of XXXX, 2022, by the Board of Supervisors of the County of Shasta, State of California, by the following vote:

AYES: X
NOES: X
ABSENT: X
ABSTAIN: X
RECUSE: X

LES BAUGH, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

MATTHEW P. PONTES
Clerk of the Board of Supervisors

By: _____
Deputy

ORDINANCE NO. SCC 2022-04

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
REGULATING SMALL AND LARGE WIND ENERGY SYSTEMS**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Section 17.88.035, "Small wind energy systems," of the Shasta County Code is amended as follows:

Small wind energy systems may be permitted with either an approved administrative permit or use permit, subject to the following requirements.

A. The following definitions govern this section:

"Small wind energy system" means a wind energy conversion system consisting of a wind turbine(s), a tower(s), and associated control or conversion electronics which will be used to reduce on-site consumption of utility electricity obtained via the electric grid or to enable on-site generation of electricity in lieu of connecting to the electric grid.

"Tower height" means the height above grade of the fixed position of the tower, excluding the wind turbine.

- B. One wind turbine may be permitted with an approved administrative permit. Two or more wind turbines may be permitted with an approved use permit.
- C. With an approved administrative permit, tower heights of not more than sixty-five feet shall be allowed on parcels between one and five acres, and tower heights of not more than eighty feet shall be allowed on parcels greater than five acres, provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system. Tower heights in excess of the aforementioned limits may be permitted with an approved use permit.
- D. Setbacks for the system tower from the property line shall be no less than the height of the system, provided that it also complies with any applicable fire setback requirements including, but not limited to, Section 4290 of the Public Resources Code as it may be amended from time to time.
- E. Decibel levels for the system shall not exceed the noise standards established in the Noise Element of the General Plan, except during short-term events such as utility outages and severe wind storms.

- F. The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 [commencing with Section 21001] of Division 9 of the Public Utilities Code) as those requirements may be amended from time to time.
- G. The applicant shall provide information demonstrating that the system will be used to reduce on-site consumption of electricity obtained via the electric grid or to enable on-site generation of electricity in lieu of connecting to the electric grid. The application shall include evidence, unless the applicant does not plan to connect the system to the electric grid, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator.
- H. A small wind energy system shall not be allowed where otherwise prohibited by any of the following:
 - 1. A comprehensive land use plan and implementing regulations adopted by an airport land use commission pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Division 9 of Part 1 of the Public Utilities Code.
 - 2. The Alquist-Priolo Earthquake Fault Zoning Act, Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code.
 - 3. The county to protect the scenic appearance of the scenic highway corridor pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of Streets and Highways Code.
 - 4. The terms of a conservation easement entered into pursuant to the Open-space Easement Act of 1974, Chapter 6.6 (commencing with Section 51070) of Division 1 of Title 5 of the Government Code.
 - 5. The terms of an agricultural conservation easement entered into pursuant to the California Farmland Conservancy Program Act, Division 10.23 (commencing with Section 10200) of the Public Resources Code.
 - 6. The terms of a contract entered into pursuant to the Williamson Act, Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code.
 - 7. The listing of the proposed site in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

- I. In the event a small wind energy system is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the county may take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify aircraft pilots registered to operate in the county pursuant to Section 11921 of the Food and Agriculture Code as it may be amended from time to time.

SECTION II.

Section 17.88.100, "Public uses, public utilities, and high voltage electrical transmission and distribution projects," of the Shasta County Code is amended as follows:

- A. High voltage electrical transmission and distribution projects are permitted if a use permit is issued. Section 17.92.025 of this title governs those projects and sets forth various standards and requirements for applications, permit review, and related matters. In some cases, state and federal laws may regulate certain types or characteristics of these projects. This section shall be construed to provide the county with the maximum control consistent with such other laws.
- B. Public uses and public utilities, with the exception of large wind energy systems as defined in subsection 17.88.335.B. of this chapter, are permitted if a use permit is issued, except that public utility transmission lines, towers, distribution poles and lines, regardless of height, and gas pipelines, which are not associated with high voltage electrical transmission and distribution projects, are permitted uses.
- C. A use permit shall not be issued for a public use or utility or a high voltage electrical transmission and distribution project in a resource district unless findings are made that there is not a reasonable alternative site outside of a resource district, and the impacts from the project on the resource land have been reduced to the lowest reasonable level.
- D. Notwithstanding subsections A and B and C of this section and Section 17.94.040, minor additions or alterations to existing public utility facilities or high voltage electrical transmission and distribution projects, such as construction of small, unmanned buildings or addition of microwave dishes to an existing tower, are permitted uses, and shall not require amendment of a use permit.
- E. Notwithstanding subsections A and B and C of this section, small, new public utility facilities or small, new facilities associated with existing high voltage electrical transmission and distribution projects, such as unmanned telecommunication relay or booster stations, are permitted if an administrative permit is issued.

SECTION III.

Section 17.88.335, "Large wind energy systems," is added to the Shasta County Code as follows:

17.88.335 Large wind energy systems.

A. Legislative Findings.

The Board of Supervisors finds as follows:

1. California Government Code section 65850 authorizes the County of Shasta to adopt ordinances that regulate the use of buildings, structures, and land and the intensity of land uses.
2. Pursuant to Article XI, Section 7, of the California Constitution, the County of Shasta may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and general welfare of its citizens.
3. The adverse impacts of large wind energy systems, particularly with respect to wildfire, aerial firefighting, aesthetics, biological resources, and historical, cultural, and tribal resources, are of significant concern to many residents of Shasta County as evidenced by the numerous public comments received between 2019 and 2021 regarding the proposed Fountain Wind Project.
4. The vast majority of the unincorporated area of Shasta County is designated as being in the High and Very High Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection. Large wind energy systems are incompatible in the High and Very High Fire Hazard Severity Zones.
5. Regulations are needed to protect the public health, safety, and welfare of residents from the adverse impacts of large wind energy systems.
6. The Board of Supervisors enacts this section to prohibit large wind energy systems in furtherance of the public necessity, health, safety, convenience, and general welfare.

B. Definitions.

The following definition governs this section:

“Large wind energy system” means a wind energy conversion system that is not defined as a small wind energy system pursuant to subsection 17.88.035.A. of this chapter.

C. Prohibition.

Large wind energy systems are prohibited in all zone districts of the unincorporated area of the County of Shasta and no permit or approval of any type shall be issued therefor.

SECTION IV.

The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) since it can be seen with certainty that this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION V.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

SECTION VI.

All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby superseded by this ordinance. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION VII.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 12th day of July, 2022, by the Board of Supervisors of the County of Shasta, State of California, by the following vote:

AYES: Supervisors Baugh, Chimenti, Garman, Rickert, and Jones
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

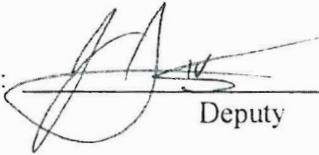


LES BAUGH, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

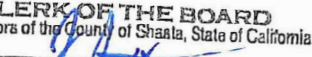
PATRICK J. MINTURN
Acting Clerk of the Board of Supervisors

By:


Deputy

THIS INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

ATTEST JUL 13 2022

CLERK OF THE BOARD
Supervisors of the County of Shasta, State of California
By: 

RESOLUTION NO. 2022-097

**A RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
TO CONSIDER AMENDMENTS TO THE SHASTA COUNTY ZONING PLAN IN
LIGHT OF ASSEMBLY BILL 205 RELATIVE TO
THE REGULATION OF LARGE WIND ENERGY SYSTEMS**

WHEREAS, the County of Shasta (County) has adopted a Zoning Plan identified as Title 17 (Zoning) of the Shasta County Code (SCC); and

WHEREAS, the County of Shasta may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, California Government Code section 65850 authorizes the County of Shasta to adopt ordinances that regulate the use of buildings, structures, and land and the intensity of land uses; and

WHEREAS, on June 28, 2022, the Board of Supervisors authorized Acting County Executive Officer Patrick Minturn to submit a letter of opposition to Assembly Bill (AB) 205 to the California State Legislature, which, among other provisions, proposed to remove local jurisdictional permitting authority for wind and solar photovoltaic facilities with a generating capacity of 50 megawatts or more and to establish the California Energy Commission as the permitting authority for such facilities; and

WHEREAS, despite the submittal of a letter of opposition on behalf of the Board of Supervisors, the California State Legislature approved AB 205, which was signed by the Governor on June 30, 2022, and took effect immediately; and

WHEREAS, on July 12, 2022, the Board of Supervisors enacted Ordinance No. SCC 2022-04 regulating small and large wind energy systems, including the prohibition of large wind energy systems in all zone districts of the unincorporated area of the County of Shasta; and

WHEREAS, the legislative findings contained in Ordinance No. SCC 2022-04 specify that the adverse impacts of large wind energy systems, particularly with respect to wildfire, aerial firefighting, aesthetics, biological resources, and historical, cultural, and tribal resources, are of significant concern to many residents of Shasta County as evidenced by the numerous public comments received between 2019 and 2021 regarding the proposed Fountain Wind Project; and

WHEREAS, the legislative findings contained in Ordinance No. SCC 2022-04 specify that the vast majority of the unincorporated area of Shasta County is designated as being in the High and Very High Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection and that large wind energy systems are incompatible in the High and Very High Fire Hazard Severity Zones; and

WHEREAS, the legislative findings contained in Ordinance No. SCC 2022-04 specify that regulations are needed to protect the public health, safety, and welfare of residents from the adverse impacts of large wind energy systems; and

WHEREAS, in light of AB 205, amendments to the Shasta County Zoning Plan relative to the prohibition of large wind energy systems in Ordinance No. SCC 2022-04 should be considered in furtherance of the public necessity, convenience, and general welfare.

NOW THEREFORE, BE IT RESOLVED that the Shasta County Board of Supervisors, pursuant to section 17.92.080(B) of the Shasta County Code, hereby intends to consider amendments to the Shasta County Zoning Plan, in light of the provisions of AB 205, relative to the prohibition of large wind energy systems in Ordinance No. SCC 2022-04 and in furtherance of the public necessity, convenience, and general welfare.

BE IT FURTHER RESOLVED that the Shasta County Department of Resource Management is directed to study the matter, propose amendments to the Shasta County Zoning Plan, and submit any proposed amendments to the Shasta County Planning Commission, in accordance with section 17.92.080 of the Shasta County Code, for the Planning Commission's consideration and recommended action.

DULY PASSED AND ADOPTED this 16th day of August, 2022, by the Board of Supervisors of the County of Shasta, State of California, by the following vote:

AYES:	Supervisors Jones, Baugh, Chimenti, Garman, and Rickert
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



LES BAUGH, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

PATRICK J. MINTURN
Acting Clerk of the Board of Supervisors

By: _____



Deputy

RESOLUTION NO. 2023-007

**A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION
RECOMMENDING THAT THE SHASTA COUNTY BOARD OF SUPERVISORS
APPROVE ZONE AMENDMENT 23-0001 AMENDING SECTION 17.88.335,
LARGE WIND ENERGY SYSTEMS, OF THE SHASTA COUNTY CODE
IN LIGHT OF ASSEMBLY BILL 205**

WHEREAS, the County of Shasta (County) has adopted a Zoning Plan identified as Title 17 (Zoning) of the Shasta County Code (SCC); and

WHEREAS, based on Board of Supervisors Resolution No. 2022-097, a resolution of intention to consider amendments to the Shasta County Zoning Plan in light of Assembly Bill 205 relative to the regulation of large wind energy systems, and to direct the Department of Resource Management to study the matter, propose amendments to the Zoning Plan, and submit proposed amendments to the Shasta County Planning Commission for their consideration and recommended action; and

WHEREAS, a duly noticed public hearing was held on February 9, 2023, at which time all interested persons were given an opportunity to comment and those comments were considered by the Planning Commission; and

WHEREAS, the Shasta County Planning Commission has considered public comments and a report from the Department of Resource Management.

NOW, THEREFORE BE IT RESOLVED, by the Shasta County Planning Commission that:

1. The foregoing recitals are true and correct.
2. The Planning Commission has independently reviewed and considered the proposed zone amendment, together with all public comments and a report from the Department of Resource Management.
3. Adoption of the ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) since it can be seen with certainty that this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.
4. The proposed Zone Amendment is consistent with the Shasta County General Plan on the basis that the ordinance prohibits a type of development that is incompatible in high risk fire hazard areas from locating in such areas (Objective FS-1), protects the natural scenery along scenic highways from new development which would diminish the aesthetic value of the scenic corridor (Objective SH-1), and guides development in a pattern that will respect the natural resource values of County lands and their contributions to the County's economic base and that will minimize land use conflicts between adjacent land uses (Objectives CO-3 & CO-4).
5. The Planning Commission recommends the proposed amendments to the Shasta County Zoning Plan identified as Zone Amendment 23-0001 for the purpose of addressing the ability of applicants to request certification of large wind energy systems by the California Energy Commission (CEC) in connection with Shasta County's prohibition against such developments and to address the findings which must be made by the CEC in order to certify a large wind

energy system. Furthermore, the Planning Commission recommends the proposed amendments for the purpose of adding a legislative finding that the construction or operation of large wind energy systems will not have an overall net positive economic benefit to the County and that the adverse impacts of large wind energy systems in the County identified in the legislative findings outweigh any potential economic benefits to the County that may be available from such large wind energy systems. The Planning Commission recognizes the need to address the authority granted to the CEC with respect to the certification of large wind energy systems pursuant to Chapter 6.2 of Division 15 of the Public Resources Code (Government Code sections 25545 *et seq*) enacted into law shortly after the Planning Commission recommended that the Board of Supervisors adopt SCC Section 17.88.335 in order to prohibit additional large wind energy systems from being developed within the unincorporated area of Shasta County.

6. The Planning Commission recommends that the Shasta County Board of Supervisors introduce, waive the reading of, and enact an ordinance amending the Zoning Plan of the County of Shasta, identified as Zone Amendment 23-0001, by amending SCC Section 17.88.335 in light of Assembly Bill 205, which authorizes applications for large wind energy systems to be submitted to the California Energy Commission (CEC) for review and approval, pursuant to Chapter 6.2 of Division 15 of the Public Resources Code (Government Code sections 25545 *et seq*). The proposed amendments consist of findings by the County of Shasta in connection with applications for large wind energy systems submitted to the CEC and duties to be performed by the Director of Resource Management in conjunction with applications for large wind energy systems filed with the CEC.

DULY PASSED AND ADOPTED this 9th day of February, 2023, by the following vote:

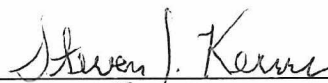
AYES: MACLEAN, KERNS, ROSS, WALGAMUTH

NOES:

ABSENT: CHAPIN

ABSTAIN:

RECUSE:


STEVEN J. KERNS, Vice Chair
Planning Commission
County of Shasta, State of California

ATTEST:


PAUL A. HELLMAN, Secretary
Planning Commission
County of Shasta, State of California

ORDINANCE NO. SCC 2023-_____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA AMENDING SECTION 17.88.335,
LARGE WIND ENERGY SYSTEMS, OF THE SHASTA COUNTY CODE
IN LIGHT OF ASSEMBLY BILL 205**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Section 17.88.335, “Large wind energy systems,” of the Shasta County Code is amended in its entirety as follows:

17.88.335 Large wind energy systems.

A. Legislative Findings.

The Board of Supervisors finds as follows:

1. California Government Code section 65850 authorizes the County of Shasta to adopt ordinances that regulate the use of buildings, structures, and land and the intensity of land uses.
2. Pursuant to Article XI, Section 7, of the California Constitution, the County of Shasta may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and general welfare of its citizens.
3. The adverse impacts of large wind energy systems, particularly with respect to wildfire, aerial firefighting, aesthetics, biological resources, and historical, cultural, and tribal resources, are of significant concern to many residents of Shasta County as evidenced by the numerous public comments received between 2019 and 2021 regarding the proposed Fountain Wind Project.
4. The vast majority of the unincorporated area of Shasta County is designated as being in the High and Very High Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection. Large wind energy systems are incompatible in the High and Very High Fire Hazard Severity Zones.
5. In light of the foregoing concerns, the construction or operation of large wind energy systems will not have an overall net positive economic benefit to the County of Shasta. The foregoing concerns outweigh any potential economic benefits to the County that may be available from such large wind energy systems.

6. Regulations are needed to protect the public health, safety, and welfare of residents from the adverse impacts of large wind energy systems.
7. The Board of Supervisors enacts this section to prohibit large wind energy systems in furtherance of the public necessity, health, safety, convenience, and general welfare.

B. Definitions.

The following definition governs this section:

“Large wind energy system” means a wind energy conversion system that is not defined as a small wind energy system pursuant to subsection 17.88.035.A. of this chapter.

C. Prohibition.

Large wind energy systems are prohibited in all zone districts of the unincorporated area of the County of Shasta and no permit or approval of any type shall be issued therefor.

D. Applications for Large Wind Energy Systems Filed with the California Energy Commission.

1. In connection with applications for large wind energy systems submitted to the California Energy Commission for review and approval, pursuant to Chapter 6.2 of Division 15 of the Public Resources Code (Government Code sections 25545 *et seq*), the County of Shasta makes the following findings:
 - a. As recognized by relevant legal authorities, the California Energy Commission is to give great weight to the comments, opinions, ordinances, and standards of local governments. The concerns of counties and cities are not to be ignored or to be given secondary consideration. As representatives of the people who live in the immediate area of large wind energy systems, county and city government officers are to be listened to and respected.
 - b. In accordance with Public Resources Code sections 25525 and 25545.8, the California Energy Commission may not certify a facility contained in the application when it finds, pursuant to subdivision (d) of Public Resources Code Section 25523, that the facility does not conform with any applicable state, local, or regional standards, ordinances, or laws, unless the commission determines that the facility is required for public convenience and necessity and that there are not more prudent and feasible means of achieving public convenience and necessity. In making the determination, the commission shall consider the entire record of the proceeding, including, but not limited to, the impacts of the facility on the environment, consumer benefits, and electric system reliability. The commission may not make a finding in conflict with applicable federal law or

regulation. The basis for these findings shall be reduced to writing and submitted as part of the record pursuant to Public Resources Section 25523.

- c. The foregoing statutes reflect a legislative policy that local ordinances, laws and standards are to be given such weight as to prevent or substantially influence the construction of a proposed facility not in compliance therewith if there exists a more prudent and feasible means of achieving the public convenience and necessity than constructing the facility as proposed or on the site proposed.
 - d. Pursuant to Shasta County Code section 17.88.335(C), large wind energy systems are prohibited in all zone districts of the unincorporated area of the County of Shasta and no permit or approval of any type shall be issued therefor. There are more prudent and feasible means of achieving any possible public convenience and necessity than constructing large wind energy systems in the unincorporated area of the County of Shasta.
 - e. Pursuant to section 25545.9 of the Public Resources Code, the California Energy Commission shall not certify a site and related facility unless the commission finds that the construction or operation of the facility will have an overall net positive economic benefit to the County of Shasta. Pursuant to the findings in Shasta County Code section 17.88.335(A), large wind energy systems will not have an overall net positive economic benefit to the County of Shasta.
 - f. Pursuant to section 25545.10 of the Public Resources Code, the California Energy Commission shall not certify a site and related facility unless the commission finds that the applicant has entered into one or more legally binding and enforceable agreements with, or that benefit, a coalition of one or more community based organizations, including local governmental entities. No County officer, agency, or department is authorized to agree to any such community benefit agreement for large wind energy systems without the prior approval of the Board of Supervisors.
2. For each application for a large wind energy system within the unincorporated area of Shasta County filed with the California Energy Commission for review and approval, pursuant to Chapter 6.2 of Division 15 of the Public Resources Code (Government Code sections 25545 *et seq*), the Director of Resource Management shall perform the following duties:
- a. In consultation with all applicable Shasta County departments, Native American tribal governments, agencies, organizations, and groups, evaluate the economic impacts of the proposal and prepare and present a comment letter regarding the economic impacts of the proposal to the Board of Supervisors for their consideration.

- b. When directed by the Board of Supervisors, submit a comment letter regarding the economic impacts of the proposal to the California Energy Commission and on such other impacts as may be directed by the Board of Supervisors.
- c. In his/her capacity as the Shasta County Environmental Review Officer, review all environmental documents prepared for the proposal by the California Energy Commission in accordance with the California Environmental Quality Act and submit written comments to the commission when warranted and appropriate.
- d. In accordance with Public Resources Code section 25519, the Director of Resource Management shall review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility. The Director of Resource Management shall also provide the California Energy Commission copies of all relevant laws, ordinances, and regulations promulgated or administered by the County of Shasta.
- e. The Director of Resource Management shall also review the application and provide comments for conformance with the requirements of Public Resources Code section 25527 and whether the proposed site will impact any of the following areas:
 - i. State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas located in the County of Shasta.
 - ii. Estuaries in an essentially natural and undeveloped state located within the County of Shasta.

Pursuant to Public Resources Code section 25527, in considering applications for certification, the California Energy Commission shall give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites; lands of hazardous concern; and areas under consideration by the state or the United States for wilderness, or wildlife and game reserves.

- f. In accordance with Public Resources Code section 25538, the Director of Resource Management shall request a fee from the California Energy Commission to reimburse the County of Shasta for the actual and added costs of the review by the County of Shasta and such other fees as may authorized under that statute and other applicable laws.

SECTION II.

The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) since it can be seen with certainty that this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION III.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

SECTION IV.

All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby superseded by this ordinance. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION V.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this XX day of XXXX, 2023, by the Board of Supervisors of the County of Shasta, State of California, by the following vote:

AYES: X
NOES: X
ABSENT: X
ABSTAIN: X
RECUSE: X

PATRICK JONES, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

MARY WILLIAMS
Acting Clerk of the Board of Supervisors

By: _____
Deputy

ORDINANCE NO. SCC 2023-01

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
AMENDING SECTION 17.88.335, LARGE WIND ENERGY SYSTEMS,
OF THE SHASTA COUNTY CODE
IN LIGHT OF ASSEMBLY BILL 205**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION I.

Section 17.88.335, "Large wind energy systems," of the Shasta County Code is amended in its entirety as follows:

17.88.335 Large wind energy systems.

A. Legislative Findings.

The Board of Supervisors finds as follows:

1. California Government Code section 65850 authorizes the County of Shasta to adopt ordinances that regulate the use of buildings, structures, and land and the intensity of land uses.
2. Pursuant to Article XI, Section 7, of the California Constitution, the County of Shasta may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and general welfare of its citizens.
3. The adverse impacts of large wind energy systems, particularly with respect to wildfire, aerial firefighting, aesthetics, biological resources, and historical, cultural, and tribal resources, are of significant concern to many residents of Shasta County as evidenced by the numerous public comments received between 2019 and 2021 regarding the proposed Fountain Wind Project.
4. The vast majority of the unincorporated area of Shasta County is designated as being in the High and Very High Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection. Large wind energy systems are incompatible in the High and Very High Fire Hazard Severity Zones.
5. In light of the foregoing concerns, the construction or operation of large wind energy systems will not have an overall net positive economic benefit to the County of Shasta. The foregoing concerns outweigh any potential economic benefits to the County that may be available from such large wind energy systems.

6. Regulations are needed to protect the public health, safety, and welfare of residents from the adverse impacts of large wind energy systems.
7. The Board of Supervisors enacts this section to prohibit large wind energy systems in furtherance of the public necessity, health, safety, convenience, and general welfare.

B. Definitions.

The following definition governs this section:

“Large wind energy system” means a wind energy conversion system that is not defined as a small wind energy system pursuant to subsection 17.88.035.A. of this chapter.

C. Prohibition.

Large wind energy systems are prohibited in all zone districts of the unincorporated area of the County of Shasta and no permit or approval of any type shall be issued therefor.

D. Applications for Large Wind Energy Systems Filed with the California Energy Commission.

1. In connection with applications for large wind energy systems submitted to the California Energy Commission for review and approval, pursuant to Chapter 6.2 of Division 15 of the Public Resources Code (Government Code sections 25545 *et seq*), the County of Shasta makes the following findings:
 - a. As recognized by relevant legal authorities, the California Energy Commission is to give great weight to the comments, opinions, ordinances, and standards of local governments. The concerns of counties and cities are not to be ignored or to be given secondary consideration. As representatives of the people who live in the immediate area of large wind energy systems, county and city government officers are to be listened to and respected.
 - b. In accordance with Public Resources Code sections 25525 and 25545.8, the California Energy Commission may not certify a facility contained in the application when it finds, pursuant to subdivision (d) of Public Resources Code Section 25523, that the facility does not conform with any applicable state, local, or regional standards, ordinances, or laws, unless the commission determines that the facility is required for public convenience and necessity and that there are not more prudent and feasible means of achieving public convenience and necessity. In making the determination, the commission shall consider the entire record of the proceeding, including, but not limited to, the impacts of the facility on the environment, consumer benefits, and electric system reliability. The commission may not make a finding in conflict with applicable federal law or

regulation. The basis for these findings shall be reduced to writing and submitted as part of the record pursuant to Public Resources Section 25523.

- c. The foregoing statutes reflect a legislative policy that local ordinances, laws and standards are to be given such weight as to prevent or substantially influence the construction of a proposed facility not in compliance therewith if there exists a more prudent and feasible means of achieving the public convenience and necessity than constructing the facility as proposed or on the site proposed.
 - d. Pursuant to Shasta County Code section 17.88.335(C), large wind energy systems are prohibited in all zone districts of the unincorporated area of the County of Shasta and no permit or approval of any type shall be issued therefor. There are more prudent and feasible means of achieving any possible public convenience and necessity than constructing large wind energy systems in the unincorporated area of the County of Shasta.
 - e. Pursuant to section 25545.9 of the Public Resources Code, the California Energy Commission shall not certify a site and related facility unless the commission finds that the construction or operation of the facility will have an overall net positive economic benefit to the County of Shasta. Pursuant to the findings in Shasta County Code section 17.88.335(A), large wind energy systems will not have an overall net positive economic benefit to the County of Shasta.
 - f. Pursuant to section 25545.10 of the Public Resources Code, the California Energy Commission shall not certify a site and related facility unless the commission finds that the applicant has entered into one or more legally binding and enforceable agreements with, or that benefit, a coalition of one or more community-based organizations, including local governmental entities. No County officer, agency, or department is authorized to agree to any such community benefit agreement for large wind energy systems without the prior approval of the Board of Supervisors.
2. For each application for a large wind energy system within the unincorporated area of Shasta County filed with the California Energy Commission for review and approval, pursuant to Chapter 6.2 of Division 15 of the Public Resources Code (Government Code sections 25545 *et seq*), the Director of Resource Management shall perform the following duties:
- a. In consultation with all applicable Shasta County departments, Native American tribal governments, agencies, organizations, and groups, evaluate the economic impacts of the proposal and prepare and present a comment letter regarding the economic impacts of the proposal to the Board of Supervisors for their consideration.

- b. When directed by the Board of Supervisors, submit a comment letter regarding the economic impacts of the proposal to the California Energy Commission and on such other impacts as may be directed by the Board of Supervisors.
- c. In his/her capacity as the Shasta County Environmental Review Officer, review all environmental documents prepared for the proposal by the California Energy Commission in accordance with the California Environmental Quality Act and submit written comments to the commission when warranted and appropriate.
- d. In accordance with Public Resources Code section 25519, the Director of Resource Management shall review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility. The Director of Resource Management shall also provide the California Energy Commission copies of all relevant laws, ordinances, and regulations promulgated or administered by the County of Shasta.
- e. The Director of Resource Management shall also review the application and provide comments for conformance with the requirements of Public Resources Code section 25527 and whether the proposed site will impact any of the following areas:
 - i. State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas located in the County of Shasta.
 - ii. Estuaries in an essentially natural and undeveloped state located within the County of Shasta.

Pursuant to Public Resources Code section 25527, in considering applications for certification, the California Energy Commission shall give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites; lands of hazardous concern; and areas under consideration by the state or the United States for wilderness, or wildlife and game reserves.

- f. In accordance with Public Resources Code section 25538, the Director of Resource Management shall request a fee from the California Energy Commission to reimburse the County of Shasta for the actual and added costs of the review by the County of Shasta and such other fees as may be authorized under that statute and other applicable laws.

SECTION II.

The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15060(c)(2) since it can be seen with certainty that this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION III.

If any section, subsection, sentence, clause, phrase, or provision of this ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

SECTION IV.

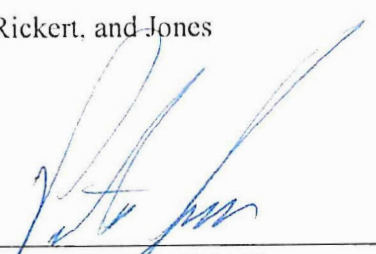
All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby superseded by this ordinance. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION V.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 14th day of March, 2023, by the Board of Supervisors of the County of Shasta, by the following vote:

AYES:	Supervisors Kelstrom, Crye, Garman, Rickert, and Jones
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



PATRICK JONES, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

MARY WILLIAMS
Acting Clerk of the Board of Supervisors

By:  _____

Deputy

THIS INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

ATTEST **MAR 28 2023**

CLERK OF THE BOARD
Supervisors of the County of Shasta, State of California
By:  _____

PLANNING COMMISSION

1855 Placer Street, Suite 103
Redding, California 96001
(530) 225-5532
(530) 245-6468 FAX

Commissioner James Chapin, District 1
Commissioner Tim MacLean, District 2
Commissioner Steven Kerns, District 3
Commissioner Donn Walgamuth, District 4
Commissioner Patrick Wallner, District 5

AGENDA

SPECIAL MEETING OF THE

SHASTA COUNTY PLANNING COMMISSION

Wednesday, November 10, 2021, 2:00 p.m.

In addition to this Special Meeting, the Planning Commission welcomes you to its regularly scheduled meetings which are scheduled for the second Thursday of each month at 2:00 p.m. in the Board of Supervisors Chambers on the second floor of the Shasta County Administration Center, 1450 Court Street, Suite 263, Redding, California.

TO ADDRESS THE COMMISSION: Members of the public may directly address the Planning Commission on any agenda item on the regular calendar before or during the Commission's consideration of the item. In addition, the Planning Commission provides the members of the public with a Public Comment-Open Time period, where the public may address the Commission on any agenda item and may address the Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission. Pursuant to the Brown Act (Govt. Code section 54950, et seq.), **Commission action or discussion cannot be taken** on non-agenda matters, but the Commission may briefly respond to statements or questions and, if deemed necessary, refer the subject matter to the appropriate department for follow-up and/or to schedule the matter on a subsequent Commission agenda.

PRESENTATION OF DOCUMENTS: All items presented to the Planning Commission during a public hearing, including but not limited to letters, e-mails, petitions, photos, maps or other kinds of information shall become a permanent part of the record and must be submitted to the clerk of the commission. It is advised that the presenter create copies in advance for their own records. If you have documents to present for the members of the Planning Commission to review, please provide a minimum of eight copies.

The Planning Commission's decision on any noticed public hearing item may be appealed to the Board of Supervisors. See "Notes" at the end of the regular agenda.

CALL TO ORDER

Pledge of Allegiance

Roll Call

PUBLIC COMMENT PERIOD - OPEN TIME

During the Public Comment - Open Time period, members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

PLANNING DIRECTOR'S REPORT

REGULAR CALENDAR

R1 Approval of Minutes:

Approve the minutes of the meeting held on October 14, 2021 as submitted.

R2 Parcel Map 21-0004 (Rooker): Ron J. Anfuso, Trustee of The Jamie Maria Rooker Trust, has requested approval of Parcel Map 21-0004 to lawfully establish the subject 11.59-acre undeveloped parcel, which was not lawfully created in accordance with the State of California Subdivision Map Act. The request includes exceptions from the Shasta County Road Policies and Standards for Minor road improvement standards and from Section 6.12 of the Shasta County Fire Safety Standards for private road standards. The undeveloped project site is located in the Bella Vista area approximately 0.2 miles northwest of the intersection of Kim Larry Lane and Oak Run Road (Assessor's Parcel Number 098-380-015). Staff Planner: Luis A. Topete/ Supervisor District: 3/ Proposed CEQA Determination: Exempt. Staff recommends that the Planning Commission:

1. Conduct a public hearing.
2. Close the public hearing.
3. Adopt a resolution to: a) find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15061(b)(3) and 15303; b) adopt the recommended findings listed in Resolution 2021-020 including modifications, if any, as determined by the Planning Commission; c) approve Parcel Map 21-0004, based on the recommended findings and subject to the conditions of approval set forth in Exhibit A to Resolution 2021-020 including modifications, if any, as determined by the Planning Commission; d) make the findings for a deviation from Chapter 2, Section B(2)(a) of the Shasta County Development Standards for Minor road improvement standards including modifications, if any, as determined by the Planning Commission; e) approve a deviation from Chapter 2, Section B(2)(a) of the Shasta County Development Standards; including modifications, if any, as determined by the Planning Commission; f) in accordance with Sections 6.91 through 6.93 of the Shasta County Fire Safety Standards make the findings for an exception to Section 6.12 for private road standards including modifications, if any, as determined by the Planning Commission; and g) approve Shasta County Fire Safety Exception #21-41, subject to the conditions as set forth in the exception including modifications, if any, as determined by the Planning Commission. (4/5 vote required).

ADJOURN

NOTES:

1. The Planning Commission, at their discretion, may limit individual/group testimony time in the interest of facilitating the meeting to allow all persons who wish to comment the opportunity to do so.
2. Documents associated with the agenda are on file and available for review. The agenda, initial studies, staff

reports, and minutes, can be found online at www.co.shasta.ca.us/drm/planning/planning-commission-meetings. Direct inquiries to: Department of Resource Management - Planning Division, 1855 Placer Street, Suite 103, Redding, CA 96001. Phone: (530) 225-5532.

3. Commission actions on tentative maps, use permits, variances, administrative permits, and zoning permits are final unless appealed to the Board of Supervisors. Appeals are subject to fees and filing deadlines. Appeal periods: tentative map, 10 calendar days; use permits, variances, administrative permits, and zoning permits, 5 calendar days. The notice of appeal shall identify, by application number, the action which is the subject of the appeal; shall state the action, finding or determination, and the date thereof, from which the appeal is taken; and shall specifically set forth the grounds upon which the appeal is based. No person wishing to appeal a decision of the Planning Commission should rely on an appeal filed by another person but instead should file their own separate appeal. No appeal shall be deemed to be filed unless any required fee is submitted to the clerk with the notice of appeal. Forms and instructions for filing appeals are available from the Clerk of the Board of Supervisors at 1450 Court Street, Suite 308B, Redding.
4. The Commission's action on Zoning applications establishes the next action. When the Commission recommends approval, the application is automatically scheduled for action by the Board of Supervisors; if the Commission denies the application, the application is not scheduled for Board action unless an interested party files a written request for such consideration. Fees and filing information are available from the Clerk of the Board of Supervisors or from the Planning Division.
5. Following Planning Commission action on a proposed General Plan Amendment any interested party may file a written request for a hearing by the legislative body on the Commission's recommendation by filing such a request with the Clerk of the Board of Supervisors within five calendar days after the Commission action.
6. If you challenge a Planning Commission action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.
7. The County of Shasta does not discriminate on the basis of disability in admission to, access to, or operation of its buildings, facilities, programs, services, or activities. The County does not discriminate on the basis of disability in its hiring or employment practices. Questions, complaints, or requests for additional information regarding the Americans with Disabilities Act (ADA) may be forwarded to the County's ADA Coordinator: Director of Support Services Shelley Forbes, County of Shasta, 1450 Court Street, Room 348, Redding, CA 96001-1676, Phone:(530) 225-5515, California Relay Service: (800) 735-2922, Fax: (530) 225-5345, E-mail: adaordinator@co.shasta.ca.us.

Individuals with disabilities who need auxiliary aids and/or services for effective communication in the County's programs and services are invited to make their needs and preferences known to the affected department or the ADA Coordinator. For aids or services needed for effective communication during Planning Commission meetings, please call the Department of Resource Management (530) 225-5532 five (5) business days before the meeting. This notice is available in accessible alternate formats from the affected department or the ADA Coordinator. Accommodations may include, but are not limited to, interpreters, assistive listening devices, accessible seating, or documentation in an alternate format.

PLANNING COMMISSION

1855 Placer Street, Suite 103
Redding, California 96001
(530) 225-5532
(530) 245-6468 FAX

Commissioner James Chapin, District 1
Commissioner Tim MacLean, District 2
Commissioner Steven Kerns, District 3
Commissioner Donn Walgamuth, District 4
Commissioner Patrick Wallner, District 5

AGENDA

REGULAR MEETING OF THE

SHASTA COUNTY PLANNING COMMISSION

Thursday, December 9, 2021, 2:00 p.m.

In addition to this Regular Meeting, the Planning Commission welcomes you to its regularly scheduled meetings which are scheduled for the second Thursday of each month at 2:00 p.m. in the Board of Supervisors Chambers on the second floor of the Shasta County Administration Center, 1450 Court Street, Suite 263, Redding, California.

TO ADDRESS THE COMMISSION: Members of the public may directly address the Planning Commission on any agenda item on the regular calendar before or during the Commission's consideration of the item. In addition, the Planning Commission provides the members of the public with a Public Comment-Open Time period, where the public may address the Commission on any agenda item and may address the Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission. Pursuant to the Brown Act (Govt. Code section 54950, et seq.), **Commission action or discussion cannot be taken** on non-agenda matters, but the Commission may briefly respond to statements or questions and, if deemed necessary, refer the subject matter to the appropriate department for follow-up and/or to schedule the matter on a subsequent Commission agenda.

PRESENTATION OF DOCUMENTS: All items presented to the Planning Commission during a public hearing, including but not limited to letters, e-mails, petitions, photos, maps or other kinds of information shall become a permanent part of the record and must be submitted to the clerk of the commission. It is advised that the presenter create copies in advance for their own records. If you have documents to present for the members of the Planning Commission to review, please provide a minimum of eight copies.

The Planning Commission's decision on any noticed public hearing item may be appealed to the Board of Supervisors. See "Notes" at the end of the regular agenda.

CALL TO ORDER

Pledge of Allegiance