

**DOCKETED**

<b>Docket Number:</b>	23-OPT-01
<b>Project Title:</b>	Fountain Wind Project
<b>TN #:</b>	253290-5
<b>Document Title:</b>	County of Shasta Wind Ordinance Administrative Record Part 5 of 8
<b>Description:</b>	N/A
<b>Filer:</b>	Dawn Forgeur
<b>Organization:</b>	County of Shasta
<b>Submitter Role:</b>	Public Agency
<b>Submission Date:</b>	11/21/2023 6:50:19 PM
<b>Docketed Date:</b>	11/22/2023

All construction activities, as well as human occupation, have the potential to ignite fires. That, however, has not led to considering a prohibition of any construction besides wind farms anywhere in the County. That risk is accepted. If other construction can continue in very high fire danger zones, why not wind farms with appropriate mitigations and configurations?

**Biological Resources** -Wind towers cause bird and bat mortality, and potentially other impacts on flora and fauna. Wind projects should be sited properly and required to minimize bird and other wildlife losses. But climate change presents a much greater potential for individual and species loss than wind farms. [According to the United Nations](#), climate change may contribute to the extinction of 20–30 percent of all species. [According to the Audubon Society](#) “If climate change continues apace, hundreds of North American bird species' ranges will shrink by at least half by 2100.”

The issue of wildlife protection in wind projects also should be contrasted to wildlife impacts from fossil fuel power generation that wind can replace. [One study](#) estimated that fossil fuel power resulted in the loss of 10-15 times as many birds as wind power, on a per kilowatt-hour basis.

Both the [Audubon Society](#) and the [American Bird Conservancy](#) support properly sited wind power. The State and Federal departments of Fish and Wildlife made no comments on the final Fountain Wind EIR, so they apparently felt that document adequately addressed their concerns. Future wind projects could be further constrained to provide additional bird and bat protection, as well as protection for other wildlife. Some promising methods for additional bird fatality reduction at turbines include [painting towers black, or even painting one blade of the turbine black](#), and [use of radar](#) to detect approaching flocks so turbines can be temporarily shut down. One objection raised against Fountain Wind was the purported inadequacy of the post-construction bird mortality monitoring. That objection could be overcome by expanding such monitoring beyond the 3 years proposed in that project, perhaps for the life of a project. [Studies have also been performed using dogs](#) to better spot birds killed in tower and blade collisions, aiding in developing additional protection measures. Compensatory mitigation is another option to preserve bird and other wildlife populations. This could consist of earmarking land not on the wind farm proper as increased habitat for species of concern, or a project to minimize wildlife mortality from other causes, such as [power transmission lines not a part of the proposed project](#). Additionally, Fountain Wind proposed that individual turbines could be removed if they were shown to cause unacceptable bird mortality. Such a condition could, and should, be included in any future wind farm proposal.

**Aesthetics**-Aesthetics tends to be a bit subjective, so we are not going into this issue in detail. However, wild fires exacerbated by climate change will continue to worsen, severely impacting the beautiful view sheds of the County, as they have already. Besides the decades long damage from wildfires, they also produce the visual blight of smoke filled skies, potentially for months.

**Cultural and Tribal Resources**-It's not possible to discuss this issue in detail until there is a project to analyze. Any project in Shasta County could impinge on Native American concerns and cultural resources, but that is not a given, and any necessary mitigation must be site specific. Additional mitigations regarding this issue were proposed for Fountain Wind after the Planning Commission hearing on its use permit, including providing access to areas tribes considered significant to their cultural and religious practices. That same approach, or possibly others, could be investigated if relevant to a new project.

**Air Pollution**-Impacts from PM10 emissions could be significant during wind farm construction, but the scope of those issues would depend on size, location, and other specifics of the project. Power generated by wind may avoid the pollution created by running the REU natural gas power plant, but confirming that would require a detailed analysis. The County in the recent past has been in non attainment for ozone, some of which is generated due to that power plant exhaust. And wildfires exacerbated by climate change emit thousands of tons of unhealthy smoke.

## **COMPLIANCE WITH GENERAL PLAN OBJECTIVES.**

Following are the General Plan Objectives discussed in the April 14 staff report. We discuss how those objectives do not preclude the construction of wind farms in the county.

**Objective FS-1 Protect development from wild land and non-wild land fires by requiring new development projects to incorporate effective site and building design measures commensurate with level of potential risk presented by such a hazard and by discouraging and/or preventing development from locating in high risk fire hazard areas.**

The County can fulfill this objective by requiring appropriate mitigations specific to each wind project. It's not possible to adequately analyze a project for fire danger, or even whether it is in a very high or high fire danger zone until there is a project to consider. Note the objective does not propose a blanket ban on all projects in high fire danger zones in the County. And, as noted above, there is no current consideration to eliminate development except for wind farms, even though other types of development also increase the chance of wildfire. Subdivisions in the urban wild-land interface for example may be more likely to spark a fire and put more lives at risk.

**Objective SH-1 Protection of the natural scenery along the official scenic highways of Shasta County from new development which would diminish the aesthetic value of the scenic corridor.**

The scenic highway designation exists for only limited areas of the County.. There may be potential wind project areas adequately distant from the County's designated scenic highways to eliminate wind towers from their view shed. Prohibiting wind farms in the entire County due to aesthetic considerations of scenic highways is excessive. The Board of Supervisors could consider prohibiting wind farms within a prescribed distance of scenic highways, but that determination should be evaluated taking into account the benefits of wind power. As also noted above, if the risk of wildfires due to relentless temperature increases from climate change continues to increase, the scenic resources along these highways may be destroyed by wildfires.

**Objective CO-3 To guide development in a pattern that will respect the natural resource values of County lands and their contributions to the County's economic base.**

Harvesting of the wind resources of the county, which will contribute substantially to the county's economy, while helping to reduce green house gases and minimize climate change exacerbated wildfires (which degrade the aesthetic resources of the County with acrid smoke and burned timberland), seems to be a good fit for this objective. The Hatchet Ridge wind project has economically

benefited the County, as noted at the October 26, 2021 Board of Supervisors meeting, and future wind projects could bring similar benefits.

**Objective CO-4 To guide development in a pattern that will minimize land use conflicts between adjacent land users.**

Placing wind towers at a location where they would dominate the landscape of adjacent property owners could create a conflict. But these potential conflicts must be weighed along with the potential benefits of a wind farm to everyone in the County. Specific project siting could reduce this concern.

**CONCLUSION**

Power generated with wind energy benefits everyone in the County. Even if a proposed wind project had significant impacts, impacts and benefits must be considered on a project specific basis and compared to the adverse effects of fossil fuel power.


Please do not recommend a blanket prohibition on large wind power projects in the county,.

Thank you for the work you do.

Ron Dykstra for  
North State Climate Action



**From:** Michael Knight <knighttoday@gmail.com>  
**To:** Shasta County BOS  
**Sent:** 7/6/2022 6:26:37 AM  
**Subject:** industrial wind energy amendment

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I am writing in support of this amendment to prohibit future development of industrial sized wind energy in Shasta county. Lets us band together and protect the resources that make up our home. and keep outside interests from taking over our resources.

Thank you.

Michael Knight  
of  
***Round Mountain, CA***

[knighttoday@gmail.com](mailto:knighttoday@gmail.com)

**From:** Crickett Paul <crickett52@gmail.com>  
**To:** Shasta County BOS  
**Sent:** 7/5/2022 5:36:01 PM  
**Subject:** No to Large Wind Mill Farms

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I have followed the boards service regarding The Fountain Wind Project and I completely agree with the upcoming prohibition for large scale industrial wind development.

PLEASE vote to ratify: **Zone Amendment 22-0001, which prohibits large scale industrial wind energy developments within the unincorporated areas of Shasta County.**

Thank you very much for doing what is right for Shasta County residents.

Laura K. Paull  
Stephen R. Paull  
Round Mountain, Ca.

**From:** Lynn Ferguson <fergie9999@comcast.net>  
**To:** Shasta County BOS  
**Sent:** 7/12/2022 12:06:44 PM  
**Subject:** Please approve Zone Amendment 22-0001

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Dear Shasta County Board of Supervisors,

As an owner of property in Shasta County I am requesting that you approve Zone Amendment 22-0001 which will prohibit large scale industrial wind energy development in unincorporated Shasta County. I feel that this is in the best interest of Shasta County.

Sincerely,  
Lynn Ferguson  
1524 Alicia Way  
Sacramento, CA 95835

Sent from my iPhone

**From:** Jim@JimWiegand.com  
**To:** Paul Hellman  
**CC:** Shasta County BOS  
**Sent:** 7/8/2022 12:37:45 PM  
**Subject:** RE: Zone Amendment 22-0001 (Wind Energy Systems Ordinance)

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Hi Paul, thank you for this.

Can Shasta County Supervisors pass ordinances banning research fraud and imposing penalties for submitting fraudulent research? Can Supervisors pass ordinances requiring science based research be submitted for approval and require science based post operational research? Can supervisors require full impact disclosures for the life of the project? Can Supervisors on behalf of consumers, require the energy usage of and output metering of wind projects to help keep green energy projects from embellishing their production numbers?

I haven't seen it anywhere, where hiding impacts and research fraud are legal. Jim Wiegand

**From:** Paul Hellman <phellman@co.shasta.ca.us>  
**Sent:** Friday, July 8, 2022 12:08 PM  
**To:** Paul Hellman <phellman@co.shasta.ca.us>  
**Subject:** RE: Zone Amendment 22-0001 (Wind Energy Systems Ordinance)

As a follow-up to the message below, I am informing you that on June 30, 2022 Governor Newsom signed Assembly Bill (AB) 205 into law. Included as part of this new law is the removal of local jurisdictional permitting authority for wind and solar photovoltaic facilities with a generating capacity of 50 megawatts (MW) or more and the establishment of the California Energy Commission (CEC) as the permitting authority for such facilities. Since the Planning Commission was unaware of AB 205 at the time they recommended that the Board approve the proposed ordinance, staff is recommending that the Board refer the proposed ordinance to the Planning Commission for further review in light of the recent passage of AB 205. Based upon staff's preliminary review of this new law, we feel that the opportunity exists for revisions to be made to the proposed ordinance which reflect the County's role in the CEC's permitting process in a manner that will maximize the County's ability to influence the CEC's actions regarding proposed facilities. The staff report regarding the Board of Supervisor's consideration of the proposed ordinance next Tuesday can be viewed online at [NovusAGENDA](#) (click "Resource Management" under item R 13).

Sincerely,  
**Paul Hellman, Director**  
**Shasta County Department of Resource Management**  
**(530) 225-5789**  
<https://www.co.shasta.ca.us/index/drm>

**From:** Paul Hellman  
**Sent:** Tuesday, June 28, 2022 9:39 AM  
**To:** Paul Hellman <phellman@co.shasta.ca.us>  
**Subject:** Zone Amendment 22-0001 (Wind Energy Systems Ordinance)

As an individual or representative of an organization who submitted written comments to the Planning Commission regarding Zone Amendment 22-0001 (Wind Energy Systems Ordinance), you are being provided notification that this item is scheduled to be considered by the Board of Supervisors on Tuesday, July 12<sup>th</sup>. This meeting will begin at 9:00 a.m.; however, since this item will be near the end of the agenda it will not be discussed until sometime later than 9:00 a.m. If you plan to attend the meeting, you may watch the livestream of the meeting via the County's website in order to monitor the progress of the meeting at <https://www.co.shasta.ca.us/index/cob/meeting-videos>. The staff report will be available for review on the County's website by Friday, July 8<sup>th</sup>, at <https://www.co.shasta.ca.us/index/bos/meeting-agendas>.




Sincerely,  
**Paul Hellman, Director**  
**Shasta County Department of Resource Management**  
**(530) 225-5789**  
**<https://www.co.shasta.ca.us/index/drm>**



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

**From:** Lon Alward <lon@uslendingcompany.com>  
**To:** Shasta County BOS  
**Sent:** 7/5/2022 10:16:58 AM  
**Subject:** Zone Amendment 22-0001

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When this amendment comes up before the board on July 12<sup>th</sup>. I would hope that you take the side of the people and vote to approve the zone amendment. Thank you for taking the time to read this.



**Lon Alward | Loan Officer**

NMLS 284494 | CA-DOC284494 | ID MLO-20907

**Direct** 530.605.4870 **Cell** 530.515.1086

**Office** 530.244.6830 **Fax** 530.222.3270

2280 N. Bechelli Lane, Redding, CA 96002

[lon@uslendingcompany.com](mailto:lon@uslendingcompany.com)

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**From:** John Gable <themooseboard@gmail.com>  
**To:** Shasta County BOS  
**Sent:** 7/6/2022 3:44:17 PM  
**Subject:** Zone Amendment 22-0001

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I  
write this letter on behalf of all the residents of Moose Camp. First I would like to thank you for researching, deliberating and ultimately rejecting the Fountain Wind project. Second I commend you for proposing the ban on industrial size wind projects in the unincorporated areas of Shasta County. The obvious fire danger in the county along with the inability to fight wildfires from the air within and around turbine farms makes a ban the right thing to do. Los Angeles county banned industrial wind turbines in 2017 and San Bernardino county banned them in 2019. Wind energy production in California has barely increased in the past five years with very few new projects coming online. The future of industrial size turbine farms in California has moved from onshore to offshore. Shasta county should be proud of its ability to already provide enormous amounts of renewable energy to the county and clearly does not need to risk the lives of its residents by adding any more industrial size wind turbines.

**All the members of Moose Camp ask you to please vote yes on Zone Amendment 22-0001.**

Sincerely,  
John Gable  
Moose Camp Board President

**From:** John Hart <jhart4870@gmail.com>  
**To:** Shasta County BOS  
**Sent:** 7/8/2022 11:37:45 AM  
**Subject:** Zone Amendment 22-0001

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Please vote to approve Resolution No. 2022-14 to prohibits large scale industrial wind energy development.

Thank you,

John Hart



**From:** cdjmd7160 <cdjmd7160@frontier.com>  
**To:** Shasta County BOS  
**Sent:** 7/11/2022 9:34:56 AM  
**Subject:** Zone Amendment 22-0001

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Board of Supervisors:

I fully support adopting this Zone Amendment. I was a member of the Steering Committee for Stop Fountain Wind, defeating the Use Permit for this project, after almost 3 years.

I was a member of the Montgomery Creek Volunteer Fire Co. 71 when the Fountain Fire blew through this area, so I saw first hand what a fire roaring up Hiway 299E looked like from the ground. A couple of our firefighters took an engine up to Hillcrest, and saved that small community as the fire roared above them overhead. Later in August with the fire still going, I watched from my home a helicopter drop water on the Crane Ranch down in the Cove, after dipping it from the Pit River, thereby protecting our property.

Unfortunately, many firefighters from out of the area, did not know there were any houses in some of these areas, and when they were approached to have someone local point these residences out to them, they just got up and walked away. So, it became the responsibility of local homeowners to do what they could to save their residences.

We ran into a CDF engine, after going home every couple of days to run a generator at our home to save our foodstuffs, and we took them back to our home and left them there on our deck so they could view the fire from Fenders Ferry Road all the way to Bunchgrass, on Hatchet Summit.

Hatchet Ridge should never have been installed in this area. It is my understanding that Patterson Energy is not profiting from this project. But I can see 13 turbines and towers from this project from my residence. And, with Fountain Wind, I would have seen all those installed. And my property was listed with "a view that would knock your socks off"! So, Fountain Wind would have made my property with those aesthetics, not sellable.

I realize this new commission the State has set up for these types of projects, only takes any voice or control out of local governments hands, and they will have no vote re: these in the future. So much for socialistic government choices in this State.


The Planning Dept. could have presented this amendment to you earlier, now months later, our County has allowed the State to take control of some of these situations.

Thank you for what you do, and I would urge you to adopt this Zone Amendment.

Sincerely,

Joan M. DiMaio, Montgomery Creek, CA

**From:** Natalie Forrest-Perez <thpo@pitrivertribe.org>  
**To:** Shasta County BOS  
**CC:** Leland Rhoades  
**Sent:** 7/11/2022 3:24:44 PM  
**Subject:** Zone Amendment 22-0001  
**Attachments:** Zone Amendment 22-0001 .pdf

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Greetings,

Please see attached letter sent on behalf of Leland Rhoads, Itsatawi Band Elder of the Pit River Nation.

Sincerely,  
Natalie Forrest-Perez  
Tribal Historic Preservation Officer  
Pit River Tribe  
36970 Park Ave  
Burney, CA. 96013  
Office: (530) 335-5421 Ext. 2040  
Cell: (530) 353-1942



PRT Heritage Department  
Until further notice our office remains closed to the public at this time.  
Communications by email or phone preferred.  
M – F, 8AM – 5 PM

Re: Zone Amendment 22-0001 – Proposed ordinance amending the Shasta County Zoning Plan, Title 17 of the Shasta County Code. To regulation small and large wind energy systems within the unincorporated areas of Shasta County.

Via email: [shastacountybos@co.shasta.ca.us](mailto:shastacountybos@co.shasta.ca.us)

Dear Shasta County Board of Supervisors; Joe Chimenti – District 1, Tim Garman – District 2, Mary Rickert – District 3, Patrick Jones – District 4, and Les Baugh – District 5,

I fully support the proposed ordinance amendment- Zone Amendment 22-0001, regulating small and large wind energy systems. Vote YES! The Planning Commission discussed the need for zoning changes in January of 2022 and then directed Mr. Hellman's staff to put together the Resolution to present to the Supervisors for consideration. The staff captured the items discussed and requested by the Commission. Mr. Hellman, provided all the necessary background, including CEQA law review, which supports the decision to implement the zoning changes listed within the proposed Zone Amendment 22-0001, enabling the protection of the communities across Shasta County most affected by these types of industrial developments.

In addition to Mr. Hellman and Commissioner Kerns provided overwhelming support, via his Shasta County wildfire map, where wildfires have engulfed large areas across Shasta County. Commissioner Chapin, with decades of forestry expertise, also stated he does not believe that these types of industrial developments should be built within the forested areas. He stated these are the highest wildfire prone areas which could destroy trees and take decades or a hundred years or more to fully recover. Various experts provided overwhelming testimony, during the recent public hearings, that industrial wind turbine developments in forested areas only introduce unnecessary wildfire risk where wildfires could not be fought effectively within/surrounding the turbine fields. These expert testimonies were provided by at least 6 wildfire pilots whose careers have thousands of hours of wildfire fighting experience. One of those experts attended the Supervisor's public hearing for the Fountain Wind Appeal, while on a break from fighting the Dixie Fire, where he had also dropped retardant on the Fawn Fire.

The Pit River Tribe, with over 4000 citizens, who presented their Tribal Resolution opposing such industrial wind developments. We all witnessed numerous tribal members who testified at both public hearings, stating how offensive these developments were, especially to the cultural and spiritual impacts these mega industrial farms cause and can only be fully understood by the tribal members themselves and never captured through the CEQA or the political process. The approval of this Zone Amendment 22-0001 will remove the fear and threats of future destruction, desecration, and erasing of native cultural ceremonies and sacred sites for the Pit River Tribe and other surrounding Tribes. And remember the CIO (Citizens In Opposition) FWP (Fountain Wind Project) submitted 2,386 signatures to reject the Fountain Wind Industrial Development. As a point of reference the 2,386 signatures include some of the Shasta County residents from 22 unincorporated communities and three incorporated communities.

You and Planning Commission denied the Fountain Wind Project in order to protect and promote the public health, safety, and general welfare of the community members. It has already been proven, even stated by the Fire Safety Representative from Shasta County, and addressed to

Supervisor Moty, that the preparation work and clearing for these industrial projects bring their own risk so it is as not as “clear cut” for fire safety through the environmental review process. As stated on numerous occasions, by various experts, these types of industrial developments, within the highest wildfire rated and forested areas are not acceptable.


We truly appreciate and commend your proactive efforts with these zoning amendments, just as has been done in other counties, which provide protections to the native cultural resources, environment, safety, protection, and general welfare of the community members. We believe time is of the essence since community members within the Big Bend area have stated developers continue to test the wind resources. I/we know it will only be a matter of time before the County receives the next special use permit for an industrial wind development in our forested areas and this is one exceptional reason to consider this Amendment proposal.

Therefore, Shasta County Board of Supervisors, you’ve already taken the hard look at the recent proposed Fountain Wind Project and the devastation it could have caused, I request you approve Zone Amendment 22-0001.

Sincerely,  
Leland Rhoads, Itsatawi Band Elder of the Pit River Nation



**From:** Anne Marie Woodward <annemarie.woodwardmd@gmail.com>  
**To:** Shasta County BOS  
**Sent:** 7/9/2022 8:37:51 PM  
**Subject:** Zone Amendment 22-0001 Please support

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To Whom It May Concern:


My family has been a land owner of the Buffum Homestead, in Shasta County, since 1899. We all wrote numerous thoughtful and detailed emails in opposition of the wind turbines. This did not pass!!!.

I ask that you support **Zone Amendment 22-0001 to prevent us from having to do this over and over again.**

Sincerely,

Anne Marie Woodward M.D.

**From:** Radley Davis <radleydavis09@gmail.com>  
**To:** Shasta County BOS; Lio Salazar  
**Sent:** 7/10/2022 8:56:35 PM  
**Subject:** Zone Amendment 22-0001 Support LTR  
**Attachments:** BOS Zone Amendment 22-0001 Support Letter 7.10.2022.pdf

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Hello Shasta County Board of Supervisors & Lio (staff)

Please see attached letter for your consideration of this upcoming BOS mtg.

Thank you

Radley Davis

July 10, 2022

Shasta County Board of Supervisors [shastacountybos@co.shasta.ca.us](mailto:shastacountybos@co.shasta.ca.us)  
<shastacountybos@co.shasta.ca.us>

Joe Chimenti- District 1; Tim Garman – District 2; Mary Rickert – District 3; Patrick Jones – District 4; and Les Baugh – District 5

Subj: Zone Amendment 22-0001 – Proposed ordinance amending the Shasta County Zoning Plan, Title 17 of the Shasta County Code. To regulation small and large wind energy systems within the unincorporated areas of Shasta County.

I fully support the proposed ordinance amendment- Zone Amendment 22-0001, regulating small and large wind energy systems. Vote YES!

The Planning Commission discussed the need for zoning changes in January of 2022 and then directed Mr. Hellman's staff to put together the Resolution to present to the Supervisors for consideration. The staff captured the items discussed and requested by the Commission. Mr. Hellman, provided all the necessary background, including CEQA law review, which supports the decision to implement the zoning changes listed within the proposed Zone Amendment 22-0001, enabling the protection of the communities across Shasta County most affected by these types of industrial developments. In addition, Commissioner Kerns provided overwhelming support, via his Shasta County wildfire map, where wildfires have engulfed large areas across Shasta County. Commissioner Chapin, with decades of forestry expertise, also stated he does not believe that these types of industrial developments should be built within the forested areas. He stated these are the highest wildfire prone areas which could destroy trees and take decades or a hundred years or more to fully recover. Various experts provided overwhelming testimony, during the recent public hearings, that industrial wind turbine developments in forested areas only introduce unnecessary wildfire risk where wildfires could not be fought effectively within/surrounding the turbine fields. These expert testimonies were provided by at least 6 wildfire pilots whose careers have thousands of hours of wildfire fighting experience. One of those experts attended the Supervisor's public hearing for the Fountain Wind Appeal, while on a break from fighting the Dixie Fire, where he had also dropped retardant on the Fawn Fire.

The expert testimony from Pit River Tribal Cultural Resource Representatives and many of their tribal citizenry provided deep knowledge and understandings of the importance of protecting sacred places. The Pit River Tribe, with over 4000 citizens, who presented their Tribal Resolution opposing such industrial wind developments, such as the recent Fountain Wind Project. We all witnessed numerous tribal members who testified at both public hearings, stating how offensive these developments were, especially to the cultural and spiritual impacts these mega industrial farms cause and can only be fully understood by the tribal members themselves and would never be captured through the CEQA or the political process. The Commissioners performed their duty and too the hard look into the Fountain Wind Project and informed the Board of Supervisors correctly- denying the Fountain Wind Project in order to protect and promote the public health, safety, and general welfare of the community members. That decision

promoted our whole community and we ALL felt included at that time. Keep in mind it has already been proven, even stated by the Fire Safety Representative from Shasta County, and addressed to Supervisor Moty, that the preparation work and clearing for these industrial projects bring their own risk so it is as not as “clear cut” for fire safety through the environmental review process. As stated on numerous occasions, by various experts, these types of industrial developments, within the highest wildfire rated and forested areas are not acceptable. For that reason alone, I ask you to approval Zone Amendment 22-0001, but also it will remove the fear and threats of future destruction, desecration, and erasing of native cultural ceremonies and scared sites for the Pit River Tribe and other surrounding Tribes.

And remember that the CIO (Citizens In Opposition) FWP (Fountain Wind Project) submitted 2,386 signatures and expert testimony to reject the Fountain Wind Industrial Development. As a point of reference, the 2,386 signatures include some of the Shasta County residents from 22 unincorporated communities and three incorporated communities.

Many of us see the state has voted and that the governor signed on June 30, 2022 Assembly Bill 205 which amends the Warren-Alquist Act<sup>[1]</sup>, and to grant the California Energy Commission (CEC) exclusive authority over siting and approving certain types of clean energy facilities until June 30, 2029. It also states that AB 205 removes authority from local cities and counties but that local governments may participate in the process but they will no longer have primary land use authority over the application. I certainly disagree with requirement. In the governors letter announcing the new law he does say “I am directing the California Energy Commission, the California Air Resources Board, and the Department of Water Resources to work with stakeholders to ensure full and substantial engagement with relevant state, local and regional agencies in the implementation of this act, including the development of guidelines required by Public Resources Code section 25791 (c) and Water Code section 80710(j), to ensure clean energy resources are prioritized over fossil fuels.” Therefore, Shasta County Board of Supervisors I join you in our efforts as a “stakeholder” in negotiating with the CEC regarding AB 205 in the further protections to the native cultural resources, the environment, safety, protection, and general welfare of the community members.

Zone Amendment 22-0001 does not abolish all wind energy project, which is statements being promoted by environmental groups, but Shasta County Board of Supervisors, Commissioner’s and county staff have already taken the responsible hard look at the recent proposed Fountain Wind Project and the devastation it could have caused in OUR HOMELANDs and this particular project was not a fit in this area. **Therefore, I request you approve Zone Amendment 22-0001.**

Respectfully,

***Radley Davis***, Concerned Shasta County Citizen

Pit River Tribal Citizen – Illmawi Band



**From:** Dean Gustafson <dean.gustafson@att.net>  
**To:** Shasta County BOS  
**Sent:** 7/5/2022 12:26:21 PM  
**Subject:** Zone Amendment 22-0001

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Honorable Shasta County Board of Supervisors:

I am writing to inform you of my wholehearted support for Zone Amendment 22-0001. The area in eastern Shasta county is no place for commercial wind development. It scars the beauty of this land and is a hazard to wildlife. Please vote to support the beauty and future of our land, and not in the interest of commercial developers for profit.

Respectfully submitted,

Dean Gustafson

**From:** Jess Lattin <jess.lattin@yahoo.com>  
**To:** Shasta County BOS  
**Sent:** 7/5/2022 10:20:19 AM  
**Subject:** Zoning amendment 22-0001


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I am writing this letter in support of the zoning amendment which comes before you on July 12, 2022. Please vote to approve this amendment 22-0001.

Thank You, Jess Lattin

**From:** Ron Dykstra <dbdykstra@sbcglobal.net>  
**To:** Mary Rickert; Joe Chimenti; Les Baugh; Timothy Garman; Patrick Jones  
**CC:** Paul Hellman; NSCA Steer Comm  
**Sent:** 7/8/2022 9:00:27 AM  
**Subject:** Board of Supervisors Meeting, July 12, Item R13, large wind power projects  
**Attachments:** Wind-farms-Supervisors\_meeting.pdf

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Dear Supervisors: Attached are the comments of North State Climate Action (NSCA) regarding the subject item. NSCA opposes a countywide prohibition on large wind power projects. We understand the County may no longer have jurisdiction for wind or solar projects in excess of 50 megawatts in accordance with AB 205. We also understand staff is requesting that you refer this item back to the planning commission. Regardless of any action taken by you at the board meeting, our comments here are relevant to any wind projects less than 50 megawatts.

Ron Dykstra



July 7<sup>th</sup>, 2022

To: Shasta County Board of Supervisors

Re: Zone Amendment 22-0001, Item R13, Board meeting of July 12<sup>th</sup>, 2022

Dear Supervisors:

**North State Climate Action** is a volunteer organization in California's far north state. We are in the process of obtaining 501(c)(3) status. Our mission is **to promote solutions addressing the climate crisis through education, collaboration, and action in our communities**. We must all take action to avoid increasingly adverse effects of climate change in the north state and elsewhere, including worsening drought and deadly wild fires and heat waves (see [here](#), [here](#), and [here](#)). We must transition away from fossil fuel energy production, which generates the greenhouse gas carbon dioxide, and switch to carbon free energy such as wind.

Wind power is a viable renewable energy source and proposed projects in the county must be judged on a case-by-case basis, including taking into account their location and configuration. In addition, wind power technology is evolving, and future projects may provide additional mitigations not available today. Please don't enact a blanket prohibition on wind farms in Shasta County. There is no downside to the rejection of these proposed zoning changes, as you and the Planning Commission retain the authority to reject any future wind farm proposal without them. Yes, reviewing projects takes staff time, but that is true of any proposed County project.

There are numerous upsides in retaining your ability to consider new wind projects. Wind power's advantages over fossil fuel power include:

- **Substantially reduced carbon dioxide discharge**, limiting climate change.
- Reduced air pollution and mortality (see [here](#), [here](#), and [here](#)).
- **Reduced water pollution**.
- Reduced water use (**fossil fuel power uses 41% of all the water distributed in the US**).

- Energy independence.(see [here](#) and [here](#)).
- [Increased energy security](#).
- [Cheaper power](#).
- Improved economy (see [here](#) and [here](#)).

Directly below is a summary of our discussion of the five issues that are likely to be of the most concern in any new project as well as County General Plan objectives. As you know, CEQA also requires analysis of these issues, among others. Below the summary we discuss the issues in more detail.

- **Fire concerns**—Fires at wind farms and firefighting near them are a valid concern. But with proper mitigations, fire danger may be reduced to a degree such that the benefits of wind power outweigh their risks of wildfires.
- **Biological resources**—Damage to biological resources should be kept in perspective, and compared to wildlife damages from fossil fuel power. For example, fossil fuel power may kill [10-15 times more birds](#) than wind power per kilowatt hour generated.
- **Aesthetics**—Many would consider nearby wind turbines to be unsightly, but project location could mitigate that concern. More relevant, if climate change continues unabated, [wildfires will continue to worsen](#), thus potentially destroying vast swaths of beautiful forest in the county, creating long term aesthetically displeasing vistas and months of ugly and unhealthy smoke filled skies.
- **Cultural and Tribal Resources**—The County is home to these resources that deserve protection. But it is not a given that a future wind project will have significant impacts on these resources, or that impacts can't be mitigated.
- **Air pollution**—PM10 pollution from wind tower construction may be significant but wind power results in [less impacts from other air pollutants](#). And PM10 pollution is primarily limited in duration to the construction phase of wind farms.
- **County General Plan Objectives**—We discuss the general plan objectives addressed by staff in their report to the Planning Commission for the April 14, 2022 meeting. We show how properly sited and configured wind farms can be compatible with these objectives.

Wild fire potential may be the most contentious issue for siting wind farms in the County. We have arranged the following detailed comments to first address wildfire concerns.

## POTENTIAL WIND FARM IMPACTS

**Wildfire**-Enhanced fire suppression techniques in addition to those considered for the Fountain Wind project during construction, operation, and decommissioning could be considered for future proposals, such as:

- Greater fuel free buffer zones surrounding site roads and towers.
- Enhanced maintenance for wind tower mechanical, electrical and fire suppression equipment.
- Enhanced maintenance of transmission lines including those off site.
- Burying transmission lines.
- Curtailment of turbine operations during extreme fire conditions.



- Additional removal of flammable debris along off-site roadsides.
- Changes in construction materials. In the Hatchet Mountain project, turbine nacelles were constructed of steel, instead of fiber glass, providing enhanced fire protection.
- Enhanced onsite fire suppression equipment.

Also note that the access roads and site work in any wind farm project will provide fire breaks and fire fighting access, aiding fire suppression, as noted in the [Fountain Wind EIR](#) and by CalFire at the October 26, 2021 Supervisor's meeting (see the [recording of the meeting](#) at 8:19 to 8:28),

The wind turbines at Hatchet Mountain have never experienced a fire, and they have been in operation for 12 years. One estimate by a wind trade organization indicated that a wind tower has only a [1/2000 to 1/15,000 chance of a fire per year](#). [This review](#) estimated chances of turbine fires to be even lower. These estimates include data from many older towers, some likely without cutting edge technology such as automatic nacelle fire suppression and steel nacelles.

A major concern expressed by the public, commissioners, and supervisors regarding wind farms was aerial fire fighting difficulty near turbines. As indicated by Bret Gouvea of CalFire at the October 26, 2021 Board of Supervisors meeting (see the [recording of the meeting](#) at 8:19 to 8:28), although fire suppression difficulty adjacent to wind towers is an important issue, these types of considerations are part of the hazards considered in any fire fighting plan. Mr. Gouvea also noted that all firefighting situations are unique, and that the Fountain Wind project did not result in an aerial firefighting no fly zone as some have contended (although the largest aerial fire fighting equipment would not have been available within the boundaries of that specific project). The specific wind tower layout of a project is critical in assessing aerial firefighting capability. For example, a mostly linear layout of towers similar to the Hatchet Mountain project would simplify aerial fire fighting and allow the use of larger aerial equipment. Also note that CalFire could have opposed the Fountain Wind project, but did not.

Evaluation of wind projects should take into account that potential fatalities from wind power during its construction and operation are significantly less than from fossil fuel power. [One source](#) indicates that the number of deaths from power generation with natural gas generators, the safest fossil fuel power, is 70 times that of wind power per kilowatt hour generated (primarily due to air pollution). As an example, for a 100 megawatt project, similar to the size of the Hatchet Ridge wind farm, there is only a chance of less than one death over a 40 year project life, versus the potential of 35 deaths from fossil fuel power over that same time period. Potential deaths from wild fires due to wind power could increase wind farm caused fatalities, but those potential fatalities are unlikely to be comparable to fossil fuel power mortality. It's clear that wind power saves lives compared to fossil fuel power.

Approximately 12,000 acres in Shasta County are not designated either high or very high fire danger by the [CalFire Fire Hazard Severity Zones in SRA](#) map. This map does not provide fire hazard designations for those areas that are federal firefighting responsibility so this 12,000 acre value could be an underestimate. [The map that was shown at the April 14<sup>th</sup>](#) Planning Commission meeting designates about 150,000 acres as less than a very high fire danger area, but does not further categorize those areas. As you know, the Fountain Wind project was in a very high fire danger zone. Future wind projects may not be in that zone or even in a high fire hazard zone. [The County fire hazard map](#), although outdated, designated about 30,000 acres as moderate fire danger areas, and about 50,000 acres were unclassified. Over 300,000 acres were designated as high fire danger (as opposed to very high).

All construction activities, as well as human occupation, have the potential to ignite fires. That, however, has not led to considering a prohibition of any construction besides wind farms anywhere in the County. That risk is accepted. If other construction can continue in very high fire danger zones, why not wind farms with appropriate mitigations and configurations?

**Biological Resources** -Wind towers cause bird and bat mortality, and potentially other impacts on flora and fauna. Wind projects should be sited properly and required to minimize bird and other wildlife losses. But climate change presents a much greater potential for individual and species loss than wind farms. [According to the United Nations](#), climate change may contribute to the extinction of 20–30 percent of all species. [According to the Audubon Society](#) “If climate change continues apace, hundreds of North American bird species' ranges will shrink by at least half by 2100.”

The issue of wildlife protection in wind projects also should be contrasted to wildlife impacts from fossil fuel power generation that wind can replace. [One study](#) estimated that fossil fuel power resulted in the loss of 10-15 times as many birds as wind power, on a per kilowatt-hour basis.

Both the [Audubon Society](#) and the [American Bird Conservancy](#) support properly sited wind power. The State and Federal departments of Fish and Wildlife made no comments on the final Fountain Wind EIR, so they apparently felt that document adequately addressed their concerns. Future wind projects could be further constrained to provide additional bird and bat protection, as well as protection for other wildlife. Some promising methods for additional bird fatality reduction at turbines include [painting towers black, or even painting one blade of the turbine black](#), and [use of radar](#) to detect approaching flocks so turbines can be temporarily shut down. One objection raised against Fountain Wind was the purported inadequacy of the post-construction bird mortality monitoring. That objection could be overcome by expanding such monitoring beyond the 3 years proposed in that project, perhaps for the life of a project. [Studies have also been performed using dogs](#) to better spot birds killed in tower and blade collisions, aiding in developing additional protection measures. Compensatory mitigation is another option to preserve bird and other wildlife populations. This could consist of earmarking land not on the wind farm proper as increased habitat for species of concern, or a project to minimize wildlife mortality from other causes, such as [power transmission lines not a part of the proposed project](#). Additionally, Fountain Wind proposed that individual turbines could be removed if they were shown to cause unacceptable bird mortality. Such a condition could, and should, be included in any future wind farm proposal.

**Aesthetics**-Aesthetics tends to be a bit subjective, so we are not going into this issue in detail. However, wild fires exacerbated by climate change will continue to worsen, severely impacting the beautiful view sheds of the County, as they have already. Besides the decades long damage from wildfires, they also produce the visual blight of smoke filled skies, potentially for months.

**Cultural and Tribal Resources**-It's not possible to discuss this issue in detail until there is a project to analyze. Any project in Shasta County could impinge on Native American concerns and cultural resources, but that is not a given, and any necessary mitigation must be site specific. Additional mitigations regarding this issue were proposed for Fountain Wind after the Planning Commission hearing on its use permit, including providing access to areas tribes considered significant to their cultural and religious practices. That same approach, or possibly others, could be investigated if relevant to a new project.



**Air Pollution**-Impacts from PM10 emissions could be significant during wind farm construction, but the scope of those issues would depend on size, location, and other specifics of the project. Power generated by wind may avoid the pollution created by running the REU natural gas power plant, but confirming that would require a detailed analysis. The County in the recent past has been in non attainment for ozone, some of which is generated due to that power plant exhaust. And wildfires exacerbated by climate change emit thousands of tons of unhealthy smoke.

## **COMPLIANCE WITH GENERAL PLAN OBJECTIVES.**

Following are the General Plan Objectives discussed in the April 14 staff report. We discuss how those objectives do not preclude the construction of wind farms in the county.

**Objective FS-1 Protect development from wild land and non-wild land fires by requiring new development projects to incorporate effective site and building design measures commensurate with level of potential risk presented by such a hazard and by discouraging and/or preventing development from locating in high risk fire hazard areas.**

The County can fulfill this objective by requiring appropriate mitigations specific to each wind project. It's not possible to adequately analyze a project for fire danger, or even whether it is in a very high or high fire danger zone until there is a project to consider. Note the objective does not propose a blanket ban on all projects in high fire danger zones in the County. And, as noted above, there is no current consideration to eliminate development except for wind farms, even though other types of development also increase the chance of wildfire. Subdivisions in the urban wild-land interface for example may be more likely to spark a fire and put more lives at risk.

**Objective SH-1 Protection of the natural scenery along the official scenic highways of Shasta County from new development which would diminish the aesthetic value of the scenic corridor.**

The scenic highway designation exists for only limited areas of the County.. There may be potential wind project areas adequately distant from the County's designated scenic highways to eliminate wind towers from their view shed. Prohibiting wind farms in the entire County due to aesthetic considerations of scenic highways is excessive. The Board of Supervisors could consider prohibiting wind farms within a prescribed distance of scenic highways, but that determination should be evaluated taking into account the benefits of wind power. As also noted above, if the risk of wildfires due to relentless temperature increases from climate change continues to increase, the scenic resources along these highways may be destroyed by wildfires.

**Objective CO-3 To guide development in a pattern that will respect the natural resource values of County lands and their contributions to the County's economic base.**

Harvesting of the wind resources of the county, which will contribute substantially to the county's economy, while helping to reduce green house gases and minimize climate change exacerbated wildfires (which degrade the aesthetic resources of the County with acrid smoke and burned timberland), seems to be a good fit for this objective. The Hatchet Ridge wind project has economically



benefited the County, as noted at the October 26, 2021 Board of Supervisors meeting, and future wind projects could bring similar benefits.

**Objective CO-4 To guide development in a pattern that will minimize land use conflicts between adjacent land users.**

Placing wind towers at a location where they would dominate the landscape of adjacent property owners could create a conflict. But these potential conflicts must be weighed along with the potential benefits of a wind farm to everyone in the County. Specific project siting could reduce this concern.

**CONCLUSION**

Power generated with wind energy benefits everyone in the County. Even if a proposed wind project had significant impacts, impacts and benefits must be considered on a project specific basis and compared to the adverse effects of fossil fuel power.

Please do not recommend a blanket prohibition on large wind power projects in the county,.

Thank you for the work you do.

Ron Dykstra for  
North State Climate Action



# SHASTA COUNTY

## BOARD OF SUPERVISORS

1450 Court Street, Suite 308B  
Redding, California 96001-1673  
(530) 225-5557  
(800) 479-8009

Supervisor Joe Chimenti, District 1  
Supervisor Tim Garman, District 2  
Supervisor Mary Rickert, District 3  
Supervisor Patrick Jones, District 4  
Supervisor Les Baugh, District 5

## AGENDA

### REGULAR MEETING OF THE BOARD OF SUPERVISORS

**Tuesday, August 16, 2022, 9:00 AM**

The Board of Supervisors welcomes you to its meetings which are regularly scheduled for Tuesday at 9:00 a.m. in the Board of Supervisors Chambers on the second floor of the Shasta County Administration Center, 1450 Court Street, Suite 263, Redding, California. Your interest is encouraged and appreciated. If the meeting has not concluded by 12:00 p.m., the Board may recess for 30 minutes and reconvene at 12:30 p.m.

The agenda is divided into two sections: CONSENT CALENDAR: These matters include routine financial and administrative actions and are usually approved by a single majority vote. REGULAR CALENDAR: These items include significant financial, policy, and administrative actions and are classified by program areas. The regular calendar also includes "Scheduled Hearings," which are noticed and public hearings, and any items not on the consent calendar.

**TO ADDRESS THE BOARD:** The Board of Supervisors provides the members of the public with a Public Comment-Open Time period, where the public may directly address the Board on any agenda item on the regular calendar and on the consent calendar and may also address the Board on any matter not listed on the agenda that is within the subject matter jurisdiction of the Board of Supervisors. In addition, members of the public may also comment on any item on the consent calendar before the Board's consideration of the item and may also comment on any item on the regular calendar before or during the Board's consideration of the item. Members of the public may also address matters scheduled for public hearings at the time such public hearings are opened for comment.

Pursuant to the Brown Act (Govt. Code section 54950, et seq.), **Board action or discussion cannot be taken on non-agenda matters**, but the Board 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 Board Agenda.

Persons wishing to address the Board in the Board Room are requested to fill out a Speaker Request Form and provide it to the Clerk before the meeting begins. Speaker Request Forms are available at the following locations: (1) online at <http://www.co.shasta.ca.us/docs/libraries/bos-docs/docs/speaker-request-form.pdf>; (2) from the Clerk of the Board on the third floor of 1450 Court Street, Suite 308B, Redding; and (3) in the back of the Board of Supervisors Chambers. If you have documents to present for the members of the Board of Supervisors to review, please provide a minimum of ten copies. When addressing the Board in the Board Room, please approach the rostrum, and after receiving recognition from the Chair, give your comments.

**Each speaker is allocated three minutes to speak. Comments should be limited to matters within the subject matter jurisdiction of the Board.**

Reasonable accommodations will be made for individuals with disabilities, with any doubt being resolved in favor of accessibility. If you would like to request an accommodation for accessibility, please contact the Clerk of the Board at (530) 225-5550. To better enable us to assist you, please contact us with your request at least 24 hours prior to the meeting.

The Board wishes to ensure that business is conducted in an orderly fashion and that all have an equal opportunity to observe and participate in the proceedings. Each person who addresses the Board of Supervisors shall not use loud, threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of the Board meeting. Any such language or any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Board meeting is prohibited.

### **CALL TO ORDER**

Invocation: Pastor Robert Montoya, The Potter's House Church

Pledge of Allegiance: Supervisor Jones

### **REGULAR CALENDAR**

Members of the public may comment on any item on the Regular Calendar before or during the Board's consideration of the item. Members of the public may also address matters scheduled for public hearings at the time such public hearings are opened for comment. Each speaker is allocated three minutes to speak.

### **PRESENTATIONS**

#### **R 1     Agricultural Commissioner/Sealer of Weights and Measures**

Receive the 2021 Shasta County Crop and Livestock Report and a presentation from the Agricultural Commissioner/Sealer of Weights and Measures, Rick Gurrola.

**No Additional General Fund Impact**

**No Vote**

### **PUBLIC COMMENT PERIOD - OPEN TIME**

During the Public Comment Open Time period, the public may address the Board on any agenda item on the regular calendar and on the consent calendar and may address the Board on any matter not listed on the agenda that is within the subject matter jurisdiction of the Board of Supervisors. Each speaker is allocated three minutes to speak.

### **CONSENT CALENDAR**

The following Consent Calendar items are expected to be routine and non-controversial. They may be acted upon by the Board at one time without discussion. Any Board member or staff member may request that an item be removed from the Consent Calendar for discussion and consideration. Members of the public may comment on any item on the Consent Calendar before the Board's consideration of the Consent Calendar. Each speaker is allocated three minutes to speak.

### **GENERAL GOVERNMENT**

#### **C 1     Auditor-Controller**

Adopt a resolution which authorizes expenditures for food items during trainings/meetings for non-County employees.

**No Additional General Fund Impact                      Simple Majority Vote**

**C 2    Auditor-Controller**

Receive the Fiscal Year 2021-22 annual report of shortages relieved by the Auditor-Controller.

**General Fund Impact    Simple Majority Vote**

**C 3    Clerk of the Board**

Approve the minutes of the meeting held on July 26, 2022, as submitted.

**No General Fund Impact    Simple Majority Vote**

**C 4    Clerk of the Board**

Appoint Rick Phay to the Pine Grove Cemetery District Board of Trustees for a four-year term to January 5, 2026.

**No Additional General Fund Impact                      Simple Majority Vote**

**C 5    Clerk of the Board**

Approve an agreement with Rock Solid Technology, Inc., for a legislative management system and approve and authorize the County Executive Officer to sign amendments and purchase orders that do not increase the maximum compensation by more than \$50,000.

**No Additional General Fund Impact                      Simple Majority Vote**

**C 6    Clerk of the Board**

Adopt a resolution which repeals Resolution No. 2010-017 and approves the Conflict of Interest Code for the Redding School of the Arts.

**No General Fund Impact    Simple Majority Vote**

**C 7    County Counsel**

Approve an agreement with Silver & Wright, LLP for legal services related to code enforcement and designate County Counsel to authorize hourly rate increases not to exceed 20% over the initial rates during the term of the agreement.

**No Additional General Fund Impact                      4/5 Vote**

**C 8    Support Services-Purchasing**

Approve an agreement with BMI Imaging Systems, Inc., for media conversion systems.

**No Additional General Fund Impact                      Simple Majority Vote**

**C 9    Support Services-Purchasing**

Approve an agreement with Chris Cable dba Caliber Office Furniture, LLC for moving services, and to assemble and disassemble office systems and furniture.

**No Additional General Fund Impact                      Simple Majority Vote**

**C 10    Veterans Services**

Approve the Fiscal Year 2022-23 California Department of Veterans Affairs renewal Certificate of Compliance to allow the Veterans Services Officer to participate in the County Subvention Program and the Medi-Cal Cost Avoidance Program.

**No Additional General Fund Impact                      Simple Majority Vote**

**HEALTH AND HUMAN SERVICES**

**C 11    Health and Human Services Agency-Adult Services**

Approve a retroactive amendment to the agreement with Crestwood Behavioral Health, Inc., to provide residential mental health treatment services which increases rates and modifies the rate structure.

**No Additional General Fund Impact                      Simple Majority Vote**

**C 12    Health and Human Services Agency-Economic Mobility**

Adopt a resolution which approves and authorizes the Health and Human Services Agency Director or designated Branch Director, to submit the Emergency Solutions Grant application to the State Department of Housing and Community Development for Homeless Prevention and Rapid Rehousing assistance to homeless individuals and families, and sign related award agreements and amendments.

**No Additional General Fund Impact                      Simple Majority Vote**

**C 13    Housing and Community Action Programs**

Adopt a resolution which authorizes the Housing/Community Action Agency Director to sign the Community Services Block Grant revenue agreement amendment with the California Department of Community Services and Development to increase maximum compensation by \$35,074.

**No Additional General Fund Impact                      Simple Majority Vote**

**C 14    Housing and Community Action Programs**

Approve a renewal agreement with One SAFE Place for domestic violence program services.

**No Additional General Fund Impact                      Simple Majority Vote**

**LAW AND JUSTICE**

**C 15    District Attorney**

Receive and accept the the Fiscal Year 2021-22 Real Estate Fraud Investigation

Unit Annual Report.

**No Additional General Fund Impact**

**Simple Majority Vote**

**C 16 Sheriff**

Approve and authorize Support Services-Purchasing Division to utilize an appropriate cooperative purchasing contract and to sign and approve related purchase orders for the purchase of a special response vehicle in an amount not to exceed \$375,000.

**No Additional General Fund Impact**

**Simple Majority Vote**

**C 17 Sheriff-Jail**

Approve a revenue agreement with Inmate Calling Solutions, LLC, dba ICSolutions for inmate telephone services.

**No General Fund Impact**

**Simple Majority Vote**

**PUBLIC WORKS**

**C 18 Public Works**

Approve an agreement with Area West Environmental, Inc. to provide environmental services for the "Cottonwood Active Transportation Trunk Line Express Network Project," Contract No. 704047.

**No General Fund Impact**

**Simple Majority Vote**

**C 19 Public Works**

**Resource Management**

Award the "Sacramento & Court Street Parking Lot Project" Contract No. 610521 to the lowest responsive and responsible bidder, Co-T Construction the contract in the amount of \$319,961.21 and approve budget amendments increasing appropriations in Land Building & Improvements, Environmental Health, and Building department budgets for the project.

**General Fund Impact**

**4/5 Vote**

**C 20 Public Works**

**Resource Management**

Adopt a resolution which recognizes that the circumstances and factors that led to the May 31, 2022 proclamation establishing the Shasta County Grant-Funded Emergency Drought Relief Program (Program) for the purpose of implementing grant funded work on private water supply systems that supports immediate drought response and mitigates drought impacts have not been resolved and that there is a need for continuation of the emergency proclamation and find the Program categorically exempt in conformance with the California Environmental Quality Act (CEQA) Guidelines 14 CCR Section 15269-Emergency Projects.

**General Fund Impact**

**4/5 Vote**

**C 21 Public Works**

Approve a budget amendment in the 2022-23 Solid Waste Disposal Administration budget and award to the lowest responsive and responsible bidder, SnL Group, Inc., on a unit cost basis, the contract in the amount of \$1,478,637 for the "2022 West Central Landfill Site Improvements," Contract No. 207544.

**No General Fund Impact**

**Simple Majority Vote**

**C 22 Public Works**

Approve and authorize the Acting Public Works Director to sign a Notice of Completion for the "Zogg Fire Road Resurfacing," Contract No.706831, and record it within 15 days of actual completion.

**No General Fund Impact**

**Simple Majority Vote**

**C 23 Public Works**

**County Service Area No. 6-Jones Valley Water**

Find the project categorically exempt in conformance with the California Environmental Quality Act Guidelines 14 California Code of Regulations Section 15269-Emergency Projects, and adopt a resolution finding an emergency still exists regarding County Service Area No. 6-Jones Valley Emergency Pump Modification.

**No Additional General Fund Impact**

**4/5 Vote**

**C 24 Public Works**

**County Service Area No. 17-Cottonwood**

Take the following actions regarding the "CSA 17-Cottonwood Collection System Improvement Project," Contract No. 610533: (1) Approve public utility easement contracts with: (a) Carlos Jose Furtado, Jr. for a public utility easement (10,965 sq. ft. at \$25,000) and a temporary construction easement (28,235 sq. ft. at \$13,200); and (b) J.F. Shea Construction, Inc., for a public utility easement (2,443 sq. ft. at \$900) plus a signing incentive of \$1,500; (2) approve a temporary construction easement contract with Lions Club of Cottonwood, for a temporary construction easement (800 sq. ft. at \$500) plus a signing incentive of \$1,500; (3) accept two Easement Deeds conveying the public utility easement parcels; and (4) approve and authorize the Acting Public Works Director to sign a Pipeline Crossing Agreement with Union Pacific Railroad Company with a one-time License Fee of \$5,000.

**General Fund Impact**

**Simple Majority Vote**

**REGULAR CALENDAR, CONTINUED**

**GENERAL GOVERNMENT**

**R 2 Administrative Office**

Take the following actions: (1) Receive an update from the Acting County Executive Officer on County issues and consider action on specific legislation

related to Shasta County's legislative platform; (2) approve a letter and a resolution supporting an amendment to Assembly Bill 2633 to include the County of Shasta and the Sacramento River within the County of Shasta; and (3) receive Supervisors' reports on countywide issues.

**No General Fund Impact**

**Simple Majority Vote**

R 3 **Administrative Office**

**Sheriff**

**Public Works**

Receive a presentation to update the Board on the planning of a new jail facility and consider providing direction to staff.

**No Additional General Fund Impact**

**Simple Majority Vote**

R 4 **County Counsel**

Receive a presentation on local campaign finance regulations and consider providing direction to staff.

**No General Fund Impact**

**Simple Majority Vote**

## **PUBLIC WORKS**

R 5 **Public Works**

**Administrative Office**

Discuss the 2022 Drought impacts within the Anderson-Cottonwood Irrigation District (ACID) Service Area.

**No General Fund Impact**

**No Vote**

## **RESOURCE MANAGEMENT**

R 6 **Resource Management**

**Environmental Health Division**

Take the following actions: (1) Find that the proposed resolution is not subject to the California Environmental Quality Act (CEQA) for the reasons stated in the resolution; and (2) adopt a resolution which revises the Land Division Standards for Parcels Served by Onsite Wastewater Treatment Systems of Chapter 5 of the Shasta County Development Standards.

**No Additional General Fund Impact**

**Simple Majority Vote**

R 7 **Resource Management**

**Planning Division**

Adopt 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.



**No Additional General Fund Impact**

**Simple Majority Vote**

**SCHEDULED HEARINGS**

A court challenge to action taken by the Board of Supervisors on any project or decision may be limited to only those issues raised during the public hearing or in written correspondence delivered to the Board of Supervisors during, or prior to, the scheduled public hearing.

**GENERAL GOVERNMENT**

**R 8     Support Services-Personnel**

Conduct a public hearing on the qualifications of Alfred Cathey for the position of Public Works Director, which includes the duties of County Surveyor and Road Commissioner, and on the Board's consideration to appoint Alfred Cathey to the position of Public Works Director and consider adopting a resolution which appoints Alfred Cathey as Public Works Director effective August 28, 2022.

**No Additional General Fund Impact**

**Simple Majority Vote**

**CLOSED SESSION ANNOUNCEMENT**

The Board of Supervisors will recess to a Closed Session to discuss the following item (est. 35 minutes):

**R 9     CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

(Government Code section 54956.9, subdivision (d), paragraph (4)):

Initiation of Litigation: One potential case

**R 10    CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Government Code section 54956.9, subdivision (d), paragraph (1)):

Name of Case: *Randall Scott Johnson, et al. v. City of Redding, et al.*

At the conclusion of the Closed Session, reportable action, if any, will be reported in Open Session.

**REPORT OF CLOSED SESSION ACTIONS**

**ADJOURN**

**REMINDERS**

Date:	Time:	Event:	Location:
08/30/2022	5:30 p.m.	Board of Supervisors Meeting	Board Chambers
09/08/2022	2:00 p.m.	Planning Commission Meeting	Board Chambers
09/13/2022	8:30 a.m.	Air Pollution Control Board Meeting	Board Chambers
09/13/2022	9:00 a.m.	Board of Supervisors Meeting	Board Chambers

**COMMUNICATIONS** received by the Board of Supervisors are on file and available for review in the Clerk of the Board's Office.

**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: [adacoordinator@co.shasta.ca.us](mailto:adacoordinator@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 Board of Supervisors meetings, please call Clerk of the Board (530) 225-5550 at least 24 hours 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.**

The Board of Supervisors meetings are viewable on Shasta County's website at [www.co.shasta.ca.us/index/bos/meeting-agendas](http://www.co.shasta.ca.us/index/bos/meeting-agendas).

Public records which relate to any of the matters on this agenda (except Closed Session items), and which have been distributed to the members of the Board, are available for public inspection at the office of the Clerk of the Board of Supervisors, 1450 Court Street, Suite 308B, Redding, CA 96001-1673.

This document and other Board of Supervisors documents are available online at [www.co.shasta.ca.us/index/bos/meeting-agendas](http://www.co.shasta.ca.us/index/bos/meeting-agendas).

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

**BOARD MEETING DATE:** August 16, 2022

**CATEGORY:** Regular - Resource Management-7.

**SUBJECT:**

Adopt 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.

**DEPARTMENT:** Resource Management  
Planning Division

**Supervisory District No. :** All

**DEPARTMENT CONTACT:** Paul A. Hellman, Director of Resource Management, (530) 225-5789

**STAFF REPORT APPROVED BY:** Paul A. Hellman, Director of Resource Management

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

**RECOMMENDATION**

Adopt 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.

**DISCUSSION**

The California State Legislature approved Assembly Bill (AB) 205, which was signed by the Governor on June 30, 2022, and took effect immediately. Among other provisions, AB 205 removed local jurisdictional permitting authority for wind and solar photovoltaic facilities with a generating capacity of 50 megawatts or more and established the California Energy Commission as the permitting authority for such facilities. On May 12, 2022, prior to the availability of proposed AB 205, the Shasta County Planning Commission recommended that the Board enact an ordinance to regulate small and large wind energy systems within the unincorporated area of Shasta County, including the prohibition of large wind energy systems. On July 12, 2022, the Board of Supervisors enacted Ordinance No. SCC 2022-04 and directed staff to place on a future agenda of the Board of Supervisors a resolution of intention to consider additional amendments to the Zoning Plan in light of AB 205.

In accordance with Shasta County Zoning Plan section 17.92.080(B), through the adoption of a resolution of intention the Board may initiate the process of amending the Zoning Plan. The proposed resolution of intention specifies that, in light of AB 205, the Board of Supervisors intends to consider amendments to the Zoning Plan 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. If the Board adopts the proposed resolution of intention, proposed amendments to the Zoning Plan will be prepared by Department of Resource Management staff in consultation with County Counsel, which will be submitted to the Planning

Commission for their consideration and recommended action.

**ALTERNATIVES**

The Board may elect not to adopt the proposed resolution, in which case proposed amendments to the Zoning Plan in light of AB 205 will not be prepared by staff and presented to the Planning Commission and Board for consideration.

**OTHER AGENCY INVOLVEMENT**

County Counsel has approved the draft resolution as to form. The County Administrative Office has reviewed this recommendation.

**FISCAL IMPACT**

The proposed amendments to the Zoning Plan will be prepared by Department of Resource Management staff in consultation with County Counsel and will not result in any additional General Fund impact.

**ATTACHMENTS:**

Description	Upload Date	Description
Draft Resolution	8/3/2022	Draft Resolution

**RESOLUTION NO. 2022-\_\_\_\_\_**

**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

Resolution No. 2022-\_\_\_\_

Page 2 of 3

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.

Resolution No. 2022-\_\_\_\_\_

Page 3 of 3

**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

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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



## 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, January 12, 2023, 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  
Roll Call

### **ELECTION OF 2023 CHAIR AND VICE-CHAIR**

### **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 December 16, 2022, as submitted.

**R2 Zone Amendment 22-0004 (Lakey Family 2008 Trust and Thompson Family Trust):** The Lakey Family 2008 Trust and the Thompson Family Trust et al have requested to change the zoning of a portion of APN 031-580-006 from the Limited Agriculture combined with Building Site 20-Acre Minimum Lot Area (A-1-BA-20) zone district to the Limited Agriculture combined with Building Site 25-Acre Minimum Lot Area (A-1-BA-25) zone district and all of APN 031-580-010 from the Limited Agriculture combined with Building Site 27-Acre Minimum Lot Area (A-1-BA-27) zone district to the Limited Agriculture combined with Building Site 25-Acre Minimum Lot Area (A-1-BA-25) and the Limited Residential combined with Mobile Home (R-L-T) zone districts to be consistent with resultant parcel sizes and property lines proposed under Property Line Adjustment 22-0010. The project is located approximately 0.16 miles east of the intersection of State Highway 89 and Opdyke Road at 41375 and 41397 Opdyke Road, Hat Creek, CA 96040, all being a portion of Sections 15 and 22 of T.34N., R.4E., and further described as a portion Parcel C of Parcel Map 61-86 (26PM96) and all of Parcel A of Property Line Adjustment (PLA) 33-94 (3204 O.R. 446) (a portion of Assessor's Parcel Number (APN) 031-580-006 and all of APN 031-580-010 (2022 Roll)). Staff Planner: Elisabeth Towers. 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 recommending that the Shasta County Board of Supervisors: a) find that Zone Amendment 22-0004 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3), is exempt from CEQA pursuant to State CEQA Guidelines section 15301, and there are no unusual circumstances under State CEQA Guidelines section 15300.2(c); b) adopt the recommended findings listed in Resolution 2023-001, including modifications, if any, the by the Planning Commission; and c) introduce, waive the reading of, and enact an ordinance to amend the Zoning Plan of the County of Shasta identified as Zone Amendment 22-0004, including modifications, if any, by the Planning Commission.

**R3 Zone Amendment 22-0013 (Shasta County):** Shasta County proposes to change the Planned Development (PD) zone district to the One-Family Residential (R-1) zone district due to the expiration of Tract Map 1711 on July 11, 1997, upon which the PD zone district was based. The proposed zone amendment would facilitate orderly development consistent with the project site's general plan land use designation without requiring the property owner to apply for and obtain approval of a zone amendment prior to developing the project site. The project site consists of two parcels totaling 3.6 acres located at the western terminus of Serpentine Lane, Burney, CA 96013, all being a portion of SW.1/4 Sec.20, T.35N., R.3E., and further described as parcels 1 and 4 of Parcel Map No. 19-87 (26 PM 4), recorded on January 15, 1987 (Assessor's Parcel Numbers 028-520-018 and 028-520-021 (2022 Roll)). Assessor's Parcel Number 028-520-018 (37114 Sapphire Road) also fronts, and is accessible from, Sapphire Road. Staff Planner: Luis 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 recommending that the Shasta County Board of Supervisors: a) find that Zone Amendment 22-0013 is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3); b) adopt the recommended findings listed in Resolution 2023-002, including modifications, if any, by the Planning Commission; and c) introduce, waive the reading of, and enact an ordinance to amend the Zoning Plan of the County of Shasta identified as Zone Amendment 22-0013, including modifications, if any, by the Planning Commission.

## **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](http://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: [adacoordinator@co.shasta.ca.us](mailto:adacoordinator@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

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

## AGENDA

### REGULAR MEETING OF THE

### SHASTA COUNTY PLANNING COMMISSION

**Thursday, February 9, 2023, 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  
Roll Call

### **PUBLIC COMMENT PERIOD - OPEN TIME**

### **PLANNING DIRECTOR'S REPORT**

### **REGULAR CALENDAR**



**R1 Approval of Minutes:**

Approve the minutes of the meeting held on January 12, 2023, as submitted.

**R2 Use Permit 21-0007 (Parkinson) - Continued from December 16, 2022:** Gary and Rocio Parkinson have requested approval of Use Permit 21-0007 to legalize an existing lavender oil distillery with an on-site tasting/sampling room and accessory lavender oil distillery events and annual lavender harvest. An exception from the off-street parking area surfacing and striping requirements of Shasta County Code sections 17.86.100 and 17.86.150 requiring asphalt paving with marked spaces for parking areas containing five or more spaces is proposed. The lavender oil distillery would consist of a 1,360-square-foot multipurpose building for lavender processing, lavender product sampling, lavender oil distillery workshops, retail sale of lavender products and other agricultural products grown on the premises, and storage. The proposal includes up to two accessory events per month with up to ten cars per event, with a maximum of 12 accessory events per year, and an annual lavender harvest event hosting up to 500 visitors over a two-day period. The 7.56-acre project site is located at 15875 Butterfield Road, Anderson, CA 96007 (Assessor's Parcel Number 205-680-013), approximately 0.3-miles southwest of the intersection of Butterfield Road and Whispering Canyon Drive. Staff Planner: Elisabeth Towers. Supervisor District: 5. 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 Use Permit 21-0007 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15301 and 15303 and there are no unusual circumstances under State CEQA Guidelines section 15300.2(c); b) adopt the recommended findings listed in Resolution 2023-003, including modifications, if any, the by the Planning Commission; and c) approve Use Permit 21-0007, based on the recommended findings and subject to the conditions of approval set forth in Exhibit A to Resolution 2023-003, including modifications, if any, the by the Planning Commission.

**R3 Zone Amendment 22-0004 (Lakey) - Continued from January 12, 2023:** The Lakey Family 2008 Trust and the Thompson Family Trust et al. have requested to change Limited Agriculture combined with Building Site 27-Acre Minimum Lot Area (A-1-BA-27) zone district to the Limited Agriculture combined with Building Site 20-Acre Minimum Lot Area (A-1-BA-20) and the Limited Residential combined with Mobile Home (R-L-T) zone districts for the subject parcel to be consistent with resultant parcel sizes and property lines proposed under Property Line Adjustment 22-0010. The 25.08-acre project site is located at 41397 Opdyke Road, Hat Creek, CA 96040, being a portion of Sections 15 and 22 of T.34N., R.4E., and further described as Parcel A of Property Line Adjustment (PLA) 33-94 (3204 O.R. 446) (Assessor's Parcel Number (APN) 031-580-010 as that APN is assigned for purposes of the 2022 Regular Assessment Roll). Staff Planner: Elisabeth Towers. 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 recommending that the Shasta County Board of Supervisors: a) find that Zone Amendment 22-0004 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15061(b)(3) and 15301 and there are no unusual circumstances under State CEQA Guidelines section 15300.2(c); b) adopt the recommended findings listed in Resolution 2023-004, including modifications, if any, the by the Planning Commission; and c) introduce, waive the reading of, and enact an ordinance to amend the Zoning Plan of the County of Shasta identified as Zone Amendment 22-0004, including modifications, if any, the by the Planning Commission.

**R4     Use Permit 22-0008 (Halverson):** Kelsi Halverson has requested approval of an equestrian facility to provide a maximum of ten one-hour horse riding lessons per week. Non-profit lessons would be offered to first responders, emergency workers, active-duty military, veterans, and their immediate family members and commercial lessons would be offered to the public. The proposal includes a maximum of six assemblages of people (donor days and volunteer training days) per month. The 4.50-acre project site is located at 21308 Faith Avenue, Redding, CA 96003 (Assessor's Parcel Number (APN) 079-130-020 as that APN is assigned for purposes of the 2022 Regular Assessment Roll), approximately 0.1 mile east of the intersection of Intermountain Road and Faith Avenue. Staff Planner: Luis Topete. Supervisor District: 4. 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 Use Permit 22-0008 is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3) and is exempt from CEQA pursuant to State CEQA Guidelines section 15303; b) adopt the recommended findings listed in Resolution 2023-005, including modifications, if any, the by the Planning Commission; and c) approve Use Permit 22-0008 based on the recommended findings and subject to the conditions of approval set forth in Exhibit A to Resolution 2023-005, including modifications, if any, the by the Planning Commission.

**R5     Extension of Time 22-0004 (Crookham):** Mindy L. Crookham has requested to extend the expiration date for Parcel Map 07-027 by two years to December 12, 2024. The Planning Commission approved Parcel Map 07-027 on June 12, 2008, for the subdivision of the subject parcel into four 5-acre parcels. The project is located in the Shingletown area on a 20-acre property at 8006 Ponderosa Way, approximately one mile north of the intersection of State Highway 44 and Ponderosa Way (Assessor's Parcel Number 093-270-013). Staff Planner: Luis Topete. Supervisor District: 5. 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 Extension of Time 22-0004 is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3); b) adopt the recommended findings listed in Resolution 2023-006, including modifications, if any, the by the Planning Commission; and c) approve Extension of Time 22-0004 for Parcel Map 07-027, based on the recommended findings listed in Resolution 2023-006 and the conditions listed in Resolution 2008-063, including modifications, if any, the by the Planning Commission.

**R6     Zone Amendment 23-0001 (Shasta County):** The Planning Commission will hold a public hearing to consider recommending that the Board of Supervisors adopt an ordinance amending Title 17, Zoning Plan, of the Shasta County Code (SCC) by amending 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. Staff Planner: Paul Hellman. Proposed CEQA Determination: Exempt. Staff recommends that the Planning Commission:

1. Conduct a public hearing.

2. Close the public hearing.
3. Adopt a resolution recommending that the Shasta County Board of Supervisors: a) find that Zone Amendment 23-0001 is not subject to the California Environmental Quality Act (CEQA) for the reasons stated in Resolution 2023-007, including modifications, if any, the by the Planning Commission; b) adopt the recommended findings listed in Resolution 2023-007; and c) introduce, waive the reading of, and enact an ordinance to amend the Zoning Plan of the County of Shasta identified as Zone Amendment 23-0001, including modifications, if any, the by the Planning Commission.

## **NON HEARING ITEMS**

**NH-1 Fountain Wind Project Presentation:** Proposed Use Permit 16-007 for the Fountain Wind Project, a 216-megawatt wind energy generation system, was denied by the Shasta County Planning Commission on June 22, 2021, and by the Shasta County Board of Supervisors on October 26, 2021. The California State Legislature approved Assembly Bill (AB) 205, which was signed by the Governor on June 30, 2022. Among other provisions, AB 205 allows the developer of a wind and solar photovoltaic facility with a generating capacity of 50 megawatts or more to submit an application to the California Energy Commission (CEC) rather than to the local jurisdiction in which the project is located. Fountain Wind LLC recently submitted an application to the CEC for the Fountain Wind Project with a total generating capacity of 205 megawatts, which is currently under review by the CEC. Staff recommends that the Planning Commission:

1. Receive a presentation regarding the status of the California Energy Commission's application process for the Fountain Wind Project and the opportunities for Shasta County and members of the public to participate in the process and consider providing direction to staff.

## **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](http://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: [adacoordinator@co.shasta.ca.us](mailto:adacoordinator@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.



## REPORT TO THE SHASTA COUNTY PLANNING COMMISSION

<b><u>PROJECT IDENTIFICATION:</u></b> <b><u>REGULAR AGENDA</u></b>  <b>ZONE AMENDMENT 23-0001</b> <b>LARGE WIND ENERGY SYSTEMS</b> <b>COUNTY-WIDE (ZONING TEXT AMENDMENT)</b>	<b>MEETING DATE</b>	<b>AGENDA ITEM #</b>
	<b>02/09/23</b>	<b>R6</b>

**RECOMMENDATION:** That the Planning Commission:

1. Conduct a public hearing.
2. Close the public hearing.
3. Adopt a resolution recommending that the Shasta County Board of Supervisors: a) find that Zone Amendment 23-0001 is not subject to the California Environmental Quality Act (CEQA) for the reasons stated in Resolution 2023-007; b) adopt the recommended findings listed in Resolution 2023-007; and c) introduce, waive the reading of, and enact an ordinance to amend the Zoning Plan of the County of Shasta identified as Zone Amendment 23-0001.

### **BACKGROUND:**

On July 12, 2022, the Board of Supervisors enacted Ordinance No. SCC 2022-04 amending the Shasta County Zoning Plan to regulate small and large wind energy systems within the unincorporated area of Shasta County, including the prohibition of large wind energy systems. On August 16, 2022, the Board of Supervisors adopted Resolution No. 2022-097, a resolution of intention to consider amendments to the Shasta County Zoning Plan in light of Assembly Bill (AB) 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 Planning Commission for their consideration and recommended action.

The California State Legislature approved AB 205, which was signed by the Governor on June 30, 2022, and took effect immediately. Among other provisions, AB 205 allows the developer of a wind and solar photovoltaic facility with a generating capacity of 50 megawatts or more to submit an application to the California Energy Commission (CEC) rather than to the local jurisdiction in which the project is located. When such an application is submitted to the CEC, the CEC has exclusive siting authority over such proposed facilities but must make certain findings in order to approve an application which does not conform with applicable local ordinances unless the CEC 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 addition, the CEC shall not approve an application for such a facility in Shasta County unless the CEC finds that the construction or operation of the facility will have an overall net positive economic benefit to Shasta County and 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.

The proposed amendments to the Zoning Plan address the authority granted to the CEC with respect to the certification of large wind energy systems through AB 205 which was enacted into law shortly after the Planning Commission recommended that the Board of Supervisors adopt Section 17.88.335 of the Zoning Plan in order to prohibit additional large wind energy systems from being developed within the unincorporated area of Shasta County. The proposed amendments address the ability of applicants to request certification of large wind energy systems by the 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. The proposed amendments would add 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.

Environmental Determination: 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.

ISSUES: No unusual issues have been identified with respect to this project. To date, no public comments have been received.

ALTERNATIVES: The following alternatives are available:

1. Recommend that the Board approve Zone Amendment 23-0001 with revisions.
2. Recommend that the Board deny Zone Amendment 23-0001.
3. Continue the public hearing to request additional information.

CONCLUSION:

Staff is of the opinion that the proposed ordinance supports the public necessity, health, safety, convenience and general welfare of the citizens of Shasta County.



PAUL A. HELLMAN

Director of Resource Management

PAH/trh/All Districts

Copies: Project File

Attachments: Board of Supervisors Resolution No. 2022-097 (Resolution of Intention)  
Draft Resolution No. 2023-007  
Draft Strikeout Ordinance  
Draft Ordinance



**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:

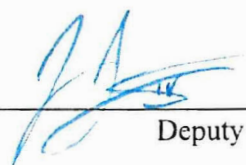
AYES:	Supervisors Jones, Baugh, Chimenti, Garman, and Rickert
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



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 9<sup>th</sup> day of February, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

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JAMES CHAPIN, Chair  
Planning Commission  
County of Shasta, State of California

ATTEST:

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

**STRIKEOUT VERSION OF 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.

~~56.~~ Regulations are needed to protect the public health, safety, and welfare of residents from the adverse impacts of large wind energy systems.

~~67.~~ 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

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

ATTEST:

MARY WILLIAMS  
Acting Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy