

STAFF REPORT

BOARD MEETING DATE: May 13, 2025

CATEGORY: Scheduled Hearings 11

SUBJECT: Take the following actions in order to comply with the Preemptory Writ of Mandate issued in Shasta County Superior Court Case # 23CV-0203713: (1) Conduct a public hearing; (2) find that the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Section 21080(b) and State CEQA Guidelines Section 15060(c); (3) introduce, waive the reading of, and enact, “*An Ordinance Of The Board of Supervisors of the County Of Shasta Authorizing Compliance with a Preemptory Writ Of Mandate Issued in Shasta County Superior Court Case # 23CV-0203713 (Anderson/Millville Residents v. County Of Shasta; Shasta County Board of Supervisors and Patrick Jones), and Repealing Ordinance No. 378-2074;*” (4) direct staff to return to the Shasta County Planning Commission to vacate and set aside Planning Commission Resolution 2023-010; and (5) authorize the Director of Resource Management, in his capacity as the County Environmental Review Officer, to withdraw the CEQA Notice of Determination adopted for Ordinance No. 378-2074.

DEPARTMENT: Resource Management

SUPERVISORIAL DISTRICT #: District 3, District 5

DEPARTMENT CONTACT: Lio Salazar, Planning Division Manager, (530) 225-5532

STAFF REPORT APPROVED BY: Sean Ewing, Director of Resource Management

<u>Vote Required?</u> Simple Majority Vote	<u>General Fund Impact?</u> No Additional General Fund Impact
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RECOMMENDATION

Take the following actions in order to comply with the Preemptory Writ of Mandate issued in Shasta County Superior Court Case #23CV-0203713: (1) Open a public hearing; (2) close the public hearing; (3) find that the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Section 21080(b) and State CEQA Guidelines Section 15060(c); (4) introduce, waive the reading of, and enact, “*An Ordinance Of The Board of Supervisors of the County Of Shasta Authorizing Compliance with a Preemptory Writ Of Mandate Issued in Shasta County Superior Court Case # 23CV-0203713 (Anderson/Millville Residents v. County Of Shasta; Shasta County Board of Supervisors and Patrick Jones), and Repealing Ordinance No. 378-2074;*” (5) direct staff to return to the Shasta County Planning Commission to vacate and set aside Planning Commission Resolution 2023-010; and (6) authorize the Director of Resource Management, in his capacity as the County Environmental Review Officer, to withdraw the CEQA Notice of Determination adopted for Ordinance 378-2074.

DISCUSSION

On April 13, 2023, the Planning Commission of the County of Shasta (Commission) adopted Resolution 2023-010 recommending that the Board of Supervisors of the County of Shasta: (1) Make certain environmental findings pursuant to the California Environmental Quality Act (CEQA) and the Shasta County Environmental Review Procedures; (2) adopt a CEQA determination of a Mitigated Negative Declaration; (3) make certain findings regarding the subject zone amendment; and (4) introduce, waive the reading of, and adopt an amendment of the Zoning Plan of the County of Shasta, identified as Zone Amendment 13-007, to change the zoning of a 151.78-acre property located at the northeast end of Leopard Drive, approximately 0.5-miles north of the Dersch Road and Leopard Drive intersection, Anderson, CA 96007 (Assessor's Parcel Number (APN) 060-010-016 as that APN is assigned for purposes of the 2023 Regular Assessment Roll), from the Limited-Residential combined with Mobile Home and Building Site 40-Acre Minimum Lot Area (R-L-T-BA-40) zone district to the Commercial Recreation (C-R) zone district. Zone Amendment 13-

007 did not change the limits of the Restrictive Flood (F-2) combining district within the eastern portion of the property for the development of an outdoor gun range complex and gun club.

On October 24, 2023, the Board of Supervisors of the County of Shasta adopted a California Environmental Quality Act determination of a Mitigated Negative Declaration (State Clearinghouse Number (SCH#) 2023030114), adopted the recommended findings listed in Planning Commission Resolution 2023-010, and introduced, waived the reading of, and enacted “An Ordinance of the Board of Supervisors of the County of Shasta Amending Ordinance No. 378, The Zoning Ordinance of the County of Shasta, a Portion of the Zoning Plan (Zone Amendment 13-007 Patrick Jones),” (Ordinance No. 378-2074) to amend the zoning of a 151.78-acre property located at the northeast end of Leopard Drive, approximately 0.5-miles north of the Dersch Road and Leopard Drive intersection, Anderson, CA 96007 (Assessor's Parcel Number (APN) 060-010-016 as that APN is assigned for purposes of the 2023 Regular Assessment Roll), from the Limited-Residential combined with Mobile Home and Building Site 40-Acre Minimum Lot Area (R-L-T-BA-40) zone district to the Commercial Recreation (C-R) zone district. Zone Amendment 13-007 does not change the limits of the Restrictive Flood (F-2) combining district within the eastern portion of the property for the development of an outdoor gun range complex and gun club (“Zone Amendment”).

On November 21, 2023, the Anderson/Millville Residents, an unincorporated association, (“Petitioner”) filed a timely petition with the Court for a writ of administrative mandate directing the County of Shasta; Shasta County Board of Supervisors and DOES 21-20 (“Respondents”) to vacate and set aside their approval of the Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Project, that the Court set aside various county ordinances and resolutions related to the approval of the project, and that the Court order preparation of an Environmental Impact Report (“EIR”) for the Zone Amendment rather than the currently existing IS/MND (Petition); and

On March 10, 2025, the Court granted the Petitioner's Petition for a Writ of Administrative Mandate (“Preemptory Writ”) and on April 21, 2025, a Preemptory Writ was served on the County of Shasta (“County”) directing the County to:

1. Within 30 days of service of the Peremptory Writ of Mandate, vacate and set aside the October 24, 2023 approval of the Initial Study/Mitigated Negative Declaration for the Zone Amendment 130-007 Project - High Plains Shooting Sports Center (“Project”) and the approval of the Project.
2. Within 30 days of service of the Peremptory Writ of Mandate vacate and set aside approval and/or adoption of Shasta County Planning Commission Resolution 2023-010.
3. Within 30 days of service of the Peremptory Writ of Mandate vacate and set aside the Shasta County Board of Supervisors' enactment of Ordinance 378-024.
4. Within 30 days of service of the Peremptory Writ of Mandate withdraw the Notice of Determination for the subject project;
5. Prepare, circulate, and consider a legally adequate environmental impact report for the subject project;
6. Suspend approval of any and all construction of the subject project until compliance with CEQA is achieved;
7. Suspend all activity that could result in any change to the physical environment regarding the subject project until compliance with CEQA is achieved.

The recommended actions will bring about compliance with items 1 through 4 of the Preemptory Writ. Items 5 through 7 of the Preemptory Writ are applicable to potential future actions related to the disposition of the Zone Amendment application if it is not withdrawn or left inactive and/or to actions and/or activities that may be taken by the Real Parties in Interest, Patrick Jones and DOES 21-100. Currently, there are no applications in process or approvals for any construction and/or any activities that could result in a change to the physical environment regarding the outdoor gun range complex and gun club approved by the Zone Amendment.

ALTERNATIVES

There are no available alternatives. The Preemptory Writ requires compliance for items 1 through 4 by May 20, 2025.

OTHER AGENCY INVOLVEMENT

County Counsel approved the ordinance as to form. The recommendation has been approved by the County Administrative Office.

FISCAL IMPACT

There would be no additional General Fund impact as a result of the recommended actions. The cost of County staff time related to Shasta County Superior Court Case #23CV-0203713 (Anderson/Millville Residents v. County of Shasta; Shasta County Board of Supervisors and Patrick Jones) is the responsibility of the Real Parties in Interest and will be recovered by invoice.

ATTACHMENTS:

- 1: Proposed Ordinance
- 2: Preemptory Writ of Mandate
- 3: Ordinance No. 378-2074
- 4: CEQA IS/MND (SCH# 2023030114) - Zone Amendment 13-007 (Patrick Jones)
- 5: Shasta County Planning Commission Resolution 2023-010