

# REVISED ENVIRONMENTAL INITIAL STUDY & NEGATIVE DECLARATION

Zone Amendment 21-0002  
~~Hawes River Acres, Et al.~~  
Greg and Nikola Hawes

July 21, 2023  
Revised September 22, 2023

ENVIRONMENTAL INITIAL STUDY &  
NEGATIVE DECLARATION  
WITH  
References and Documentation

Prepared by  
SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT  
PLANNING DIVISION  
1855 Placer Street, Suite 103  
Redding, California 96001

**SHASTA COUNTY  
ENVIRONMENTAL CHECKLIST FORM  
INITIAL STUDY & MITIGATED NEGATIVE DECLARATION**

- 1. Project Title:**  
Zone Amendment 22-0001 (~~Hawes River Acres, Et al.~~ Greg and Nikola Hawes)
- 2. Lead agency name and address:**  
Shasta County Department of Resource Management, Planning Division  
1855 Placer Street, Suite 103  
Redding, CA 96001-1759
- 3. Contact Person and Phone Number:**  
Lio Salazar, Planning Division Manager, (530) 225-5532
- 4. Project Location:**  
The 145.34-acre project site is located at the southeast corner of the intersection of Dersch Road and Deschutes Road at 6171 Deschutes Road, 6465 Deschutes Road, and 21945 Dersch Road, Anderson, CA 96007 (Assessor's Parcel Numbers (APNs) 057-190-031, 057-190-036, 057-190-037, 057-190-041, and 057-190-040).
- 5. Applicant Name and Address:**  
~~Hawes River Acres~~ Greg and Nikola Hawes  
P.O. Box 52  
Palo Cedro, CA 96073
- 6. General Plan Designation:**  
Mixed Use (MU) and Limited Agriculture (Ac-g)
- 7. Zoning:**  
Planned Development (PD), Limited Agriculture combined with Building Site 10-Acre Minimum Lot Area (A-1-BA-10), Limited Agriculture combined with Building Site 20-Acre Minimum Lot Area, Interim Mineral Resource, Restrictive Flood, and Designated Floodway (A-1-BA-20-IMR-F-2-F-1), and Limited Agriculture combined with Restrictive Flood (A-1-F-2).
- 8. Description of Project:**

The project site is composed of five developed parcels totaling approximately 145.34 acres that are used for a retail/wholesale farm supply store (APN 057-190-031), an agritourism/agritainment area and crop land (APN 057-190-036), single-family residences (APN 057-190-040), and a wireless telecommunications facility, orchard, and crop land (APNs 057-190-037 and 057-190-041). Topography within the project site is predominantly flat with a slight south to southwest facing aspect that drains toward the Sacramento River as the elevation changes from high points at the northern and eastern extents of the project site. Two seasonal drainages area present within the southern portion of the property. One flows through APN 057-190-040 between orchard and crop land and the other flows through APN 057-190-041 within a forested riparian area located along the southern boundary of the project site which is the northern bank of the Sacramento River. Stillwater Creek flows through the southwest corner of the project site to its confluence with the Sacramento River. Very little of the project site has been undisturbed by commercial, residential, and agricultural development and activity, including the forested riparian area which is developed with driveways and foot trails that access the riverbank.

An approximately 38.82-acre portion of the project site is subject to a Planned Development (PD) zoning ordinance and associated conceptual development plan (CDP) that was adopted in 2006 (APNs 057-190-031 and 057-190-036).

The intent of the 2006 PD regulations and development standards are to promote 1) the development and operation of uses consistent with the Mixed Use (MU) general plan land use designation to facilitate the development of



retail/wholesale sales of agricultural products; and 2) agriculture-related recreational/amusement activities for families and the public at large, which promote “custom farming” and showcase agriculture as a primary use on lands with a Part-Time Agriculture (A-cg) general plan land use designation. The ordinance goes on to describe the retail/wholesale farm supply store and associated uses and buildings, a number of specific agriculture-related recreational/amusement activities that are limited in scale, intensity, and in many cases temporary in nature and/or in keeping with intermittent or seasonal use, and specifies other uses permissible with a zoning, administrative, or use permit provided they are consistent with the underlying general plan land use designation. The CDP adopted with the 2006 PD shows the general location of the retail/wholesale farm supply store and associated uses and buildings on APN 057-190-031 and the area approved for agriculture-related recreational/amusement activities on APN 057-190-036 which includes an activity area, pumpkin patch, and corn maze. The development plan shows parking for all PD uses is to be located on APN 057-190-036.

In the intervening years, Hawes River Acres, the applicant, has held its annual Fall Fest during the month of October and other events throughout the year, including but not limited to, other festivals, a mud run which was approved as an assemblage of people in accordance with the PD zone district, weddings, fundraisers, concerts, civil war reenactments, and other uses involving public visitation to the property; expanded activities and improvements into the pumpkin patch and corn maze area shown on the CDP (areas reserved for agriculture) and to other lands within the project site; and expanded the area used for parking to include other areas within the property to accommodate high rates of attendance and/or large events. Additionally, the applicant developed several unpermitted uses, structures, facilities, and utilities on APN 057-190-036 that are not addressed in the PD or CDP, were determined to exceed the intent and development standards of the PD, and that are and out of compliance with construction requirements and the California Health and Safety Code.

In 2017, by letter the Shasta County Department of Resource Management informed the applicant of these issues, the need to come into compliance with the PD ordinance, and the need to address other Building, Environmental Health, and Fire Department concerns regarding uses, structures, facilities, and utilities that had been developed and operated contrary to the PD ordinance and other applicable requirements. It was the applicant’s position that all uses, structures, facilities, and utilities that were the subject of the letter met the intent of the PD as they are typical of businesses engaged in what is commonly referred to as agritourism or agritainment. On this basis, and to address the land use and zoning issues described in the 2017 letter, the applicant filed an application in 2021 to amend the zoning of the property.

The project is a zone amendment that proposes to amend the 2016 PD text and CDP as it relates to APN 057-190-031, which is occupied by the retail/wholesale farm supply store and parking for the agritourism/agritainment area, and to change the principal zone districts of APNs 057-190-036, 057-190-037, 057-190-041, and 057-190-040 from PD and A-1 to C-R (no change is proposed to the combining districts for these APNs, including to the limit of the F-2 and F1 zoning present within the southern portion of the project site, the Building Site (B) zone districts applicable to APNs 057-190-037 and 057-190-041, and/or the Interim Mineral Resource (IMR) zone district applicable to APN 057-190-041).

The proposed PD text amendment would change the text of the PD to allow a proposed electronic reader board type sign, allow the continuation of parking for agritourism/agritainment area uses, and delete those provisions applicable to the portion of the PD zone that is allowed to be used for an agritourism/agritainment area and crop land (APN 057-190-036) as this area is proposed to change from PD to the C-R zone district as described below. The proposed PD CDP amendment would show the PD in greater detail, add an existing retail building that was built without a permit, which would allow for the issuance of a building permit to correct this violation of the building code, the proposed electronic reader board sign, future expanded parking area, septic system improvements to serve an existing retail building, a fire hydrant system, and agricultural well. The proposed amended PD text and CDP are attached.

The amendment to C-R for APNs 057-190-036, 057-190-037, 057-190-041, and 057-190-040 would change the change the principal zone district for these properties to C-R and, through the adoption of the proposed C-R zoning text and conceptual development plan (CDP), would define, clarify, recognize, and establish allowable agritourism and agritainment uses, allowable improvements, and applicable regulations and standards within the proposed C-R zone district.

Aspects of current operations at the project site are currently in violation of the PD, CDP, and Shasta County zoning plan. If the requested zone amendment is approved and enacted, compliance with the associated development standards bring the existing operation into compliance with zoning related land use requirements and establish the standards under which the uses and development may be conducted going forward.

The proposed C-R zone district would allow existing uses and improvements that are consistent with the current PD zoning text and CDP; legalize existing commercial recreational uses and improvements that were established in violation of the zoning ordinance; allow new agritourism/agritainment uses that are similar in character and impact to such uses that have been carried out at the project site; and allow overnight lodging.

The proposed C-R, for land use purposes, would define agritourism and agritainment, legalize uses those uses, buildings structures, and other improvements are inconsistent with the current PD; expand the existing agritourism and agritainment activity area, and ~~establish a line that~~ limits agritourism and agritainment activities on the southern portion of the project site to those that can be conducted in orchard or field, or within existing disturbed riparian areas of the ranch without new permanent improvements such as weddings, civil war reenactments, mud runs, etc. that can be conducted with or without the use of temporary event tents, trellises, lighting, etc. (excepting an existing small scale train and future zipline shown on the CDP); increase the maximum structural height limit for amusement rides; clarify and modify hours of operation; provide for overflow parking; provide for overnight lodging; clarify lighting standards, clarify driveway access requirements, clarify applicable safety standards, and clarify food facilities standards. The proposed C-R text and CDP are attached.

In *Fat v. County of Sacramento* (2002), 97 Cal.App.4th 1270, (citing *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428) the court found that the County's preparation of a negative declaration was not erroneous because it was based on the existing environmental setting that included previously constructed unlawful uses. The court in *Riverwatch* stated that "in general preparation of an EIR is not the appropriate forum for determining the nature and consequences of prior conduct of a project applicant." *Riverwatch* at 1452. In other words, the level of activity and associated environmental impacts resulting from the illegal establishment of a land use may be considered baseline conditions against which the significance of project impacts should be considered.

Therefore, the baseline conditions for this project include the level of activity and associated environmental impacts in existence on March 1, 2023, at which time an early consultation project referral was sent to potential trustee, responsible, and interested agencies to inform them of the proposed use permit application and solicit responses regarding potential CEQA related concerns. Additionally, any past physical changes to the environment that have resulted from continued expansion of operations since March 1, 2023 that are not recommended to be rectified in a manner that would result in new physical impacts to the environment are also considered baseline conditions for the analysis contained herein (i.e. an area disturbed by grading activity or vegetation removal that is not proposed to be corrected, rehabilitated, or restored in a manner that would result in physical changes to the environment as part of the project such as from corrective grading or revegetation activities). Finally, physical changes to the environment that have resulted from continued expansion of operations in conflict with the requirements of the Shasta County Zoning Plan since March 1, 2023, that could result in cumulative or indirect impacts on the environment are not considered part of the baseline conditions and for the purposes of this project and analysis have been considered in analyzing and determining the significance of environmental impacts from the project. Additionally, a Mitigated Negative Declaration was adopted for the project as it pertains to the uses described in the PD text and CDP adopted in 2006 for APNs 057-190-031 and 057-190-036.

The attached revised PD CDP/C-R CDP details activity areas, buildings, structures and/or other improvements that were known to be existing at the project site as of March 1, 2023, and those proposed for the future. All features in the inventory list ("South Structures (Hawes Agritainment)" and "North Structures (Hawes Ranch)") labeled with an (E) and shaded yellow, green, or red are existing and require a local building permit or permit from the State of California Department of Housing and Community Development (HCD) in order to come into compliance with building and other codes, if such approvals have not already been obtained. Those features in the inventory list labeled with a (P) are proposed future improvements for which it is evident that a local building permit or permit from HCD would be necessary, excepting portable restrooms. Unlabeled features are uses, activity areas, buildings and/or structures that are both existing or proposed in the future for which a local building permit or permit from

HCD may or may not be necessary and are shaded blue. Of these, those proposed in the future include slide mountain and slide mountain zip line. Additionally, there are features shown on the site plan that are not listed in inventory or addressed in the legend which are existing or proposed for the future. Those proposed for the future, include a roller coaster, and paintball area; a fire hydrant system to serve the retail/wholesale farm supply store uses and agritourism and agritainment activity area; electrical system upgrades, ADA path, a septic system, and an agricultural well. Since the preparation of the proposed CDP, it is known that several amusements have been installed at the project site, including the truck ride, ladybug ride, fish ride, carousel, Scrambler, and Tilt-O-Whirl, a Little Dipper roller coaster, paratrooper ride, swing ride, and dirt hill/slide which are shown on the proposed CDP.

As noted above many of the uses proposed to be defined as agritourism and agritainment for the purposes of the proposed C-R zone district have been carried out within the project site. Those that have not are similar in character and impact those that have been carried out previously in so much as members of the public would visit the property to carry out activities at the property that rely upon the agricultural use and/or setting and various improvements (an exception to this would be overnight lodging which would be an activity of a character and impact that has not been carried out at the project site previously). Activities that have been carried out include those that attract guests to the property throughout the day/night during normal operational hours, such as during the Fall Harvest Festival, and those that involve an exclusive event that attracts a large group of guests that may arrive near the approximate starting time and leave at the end of the event such as a fundraiser, concert, or wedding. At times, the property has been open to both a general admission event and an exclusive group event on the same day during normal operating hours. Typical event days have attracted approximately 3,000 guests with the largest single day attendance being 10,000 persons which occurred on a day that involved a general admission event and an exclusive concert special event. Events have typically occurred over 1 to 4 days, primarily Thursday through Sunday, and from 1 to 4 times a month from spring through Christmas with the fall season being the busiest.

Events at the have typically been served by portable toilets, excepting for a time during which a bathroom trailer was connected to an existing septic system that resulted in failure of the system. The project includes the proposed construction of an on-site septic system capable of serving up to 500 persons per day which will be used to serve employees and smaller group events such as weddings or other activities that will not exceed use of the system by more than 500 persons per day. The Shasta County Environmental Health Division has determined that the intermittent nature of the agritourism and agritainment uses and events is consistent with temporary use and can be served by portable toilets. The project also includes the proposed construction of a lift station and leach field to serve the retail building on the wholesale/retail farm supply parcel. Water service is from an existing well. If the applicant were to host 25 or more guests per day for 60 or more days per year, water service would have to be from a permitted small public water system which would likely require construction of a new well as part of the small public water system. Access is from existing driveways on Dersch Road and Deschutes Road. Electric utility service is from Pacific Gas & Electric. Liquid propane gas service is from local vendors. Waste disposal service is from Waste Management. Project activities and proposed zoning changes that would result in new or increased physical impacts on the environment, include construction, installation, and use initiation of the improvements and activities described above as future or proposed, improvement of driveway encroachments, landscaping and screening, and maintenance activities.

## **9. Surrounding Land Uses and Setting:**

The project site is located at the intersection of two County arterial roads and is situated in a flat alluvial plain that extends northward from the Sacramento River, which flows along the southern extent of the project site, and westward from Cow Creek which is situated approximately 0.45 miles to the east of the project site. The topography of the area rises sharply upward to a western plateau that is situated approximately 0.01 miles west of the project site. Stillwater Creek flows in a southerly direction through the plateau to its confluence with the Sacramento River. The majority of bottomlands in the vicinity are developed and being used for agriculture with most being cultivated for field or row crops. Natural drainages within these lands have in some cases been developed to function in conjunction with man-made irrigation systems to serve agricultural uses. The banks of natural drainages within these properties are in some cases populated with narrow bands of riparian vegetation. Undeveloped bottomlands to the northwest are populated with grassland, scattered California native oak trees, and wetlands. Residential properties to the west and upslope on the plateau are developed within grassland and California native oak woodlands.

Lands in close proximity to the project site include a mix of large undeveloped and full-time agricultural lands, smaller parcels developed with rural residential uses, and a veterinary clinic. Immediately to the west across Deschutes Road and in general vicinity of the southwest quadrant of the intersection of Dersch Road and Deschutes Road is a concentration of approximately 60 residentially developed properties all within 0.75 miles of the project site, including approximately 16 immediately across Deschutes Road from the project site. Properties to the north are primarily designated for part-time and full-time agricultural use and mixed use. Some of these parcels are develop with residences but at a much lesser density when compared to the residential area to the west. Lands immediately to the east are designated for full-time agricultural use with residentially designated land beyond. Parcels to the east are generally large and sparsely populated with residences. Lands on the south side of the Sacramento River are designated for natural habitat, and part-time and full-time agricultural use. There are approximately 6 residences directly across the river from the project site. There are additional residences on the southern bank of the river as well as denser concentrations of residentially developed part-time agricultural properties, including a neighborhood of approximately 70 residences within approximately 0.5 miles of the southern extent of the project site.

**10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**

Shasta County Department of Resource Management, Building Division  
 Shasta County Department of Resource Management, Environmental Health Division  
 Shasta County Department of Public Works  
 Shasta County Fire Department  
 State of California Division of Occupational Safety and Health, Amusement Ride and Tramway Unit

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

In accordance with Public Resources Code (PRC) Section 21080.3.1, the Wintu Tribe of Northern California & Toyon-Wintu Center (Tribe) filed and Shasta County received a request for formal notification of proposed projects within an area of Shasta County that is traditionally and culturally affiliated with the Tribe. Pursuant to PRC §21080.3.1 the Department of Resource Management sent a certified letter to notify the Tribe that the project was under review and to provide the Tribe 30 days from the receipt of the letter to request formal consultation on the project in writing. The Tribe received a certified letter of notification on March 3, 2023, with the 30-day notification period ending April 3, 2023. To date, no response has been received.

**NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agricultural Resources		Air Quality
	Biological Resources		Cultural Resources		Energy
	Geology / Soils		Greenhouse Gas Emissions		Hazards & Hazardous
	Hydrology / Water Quality		Land Use / Planning		Mineral Resources
	Noise		Population / Housing		Public Services
	Recreation		Transportation		Tribal Cultural Resources
	Utilities / Service Systems		Wildfire		Mandatory Findings of Significance

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of the initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.


☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Copies of the Initial Study and related materials and documentation may be obtained at the Planning Division of the Department of Resource Management, 1855 Placer Street, Suite 103, Redding, CA 96001. Contact Lio Salazar, Planning Division Manager, at (530) 225-5532.

## REVISIONS

The attached comment letters from David Ledger and the California Department of Fish and Wildlife were received in response to the IS/ND. These letters have been incorporated into the revised IS/ND in conjunction with a biological survey letter report and a responses to comments memorandum prepared by the applicant's biologist. The revised IS/ND includes relevant revisions based on the comments and responses. In response to these comment letters, revisions have been made to the Project Description, section IV. Biological Resources, and Initial Study Comments section. Revisions are denoted by ~~strike through~~ and underline. Pursuant to State CEQA Guidelines sections 15073.5 and 15074.1, recirculation of this document is not required since the revisions are not substantial.

  
\_\_\_\_\_  
Lio Salazar, AICP  
Planning Division Manager

9/22/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Paul A. Hellman  
Director of Resource Management

9/22/23  
\_\_\_\_\_  
Date

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parenthesis following each question. A “No Impact” answer is adequately supported if all the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less-than-significant with mitigation, or less-than-significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more, “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less-than-significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-than-significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section XVIII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures: For effects that are “Less-than-significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. General Plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify the following:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less-than-significant.

<b>I. AESTHETICS:</b> Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				✓
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The highest quality scenic vista in the vicinity of the project is the western slope of the southern extent of the Cascade Range, including Lassen Peak, situated east of the project site. This scenic vista is visible from public vantage points along Dersch and Deschutes Road and is viewed by road users, including motorists, bicyclists, and pedestrians. Users approaching the project site on Dersch Road from the west have a direct line of sight to the scenic vista. From these public vantage points the scenic vista appears elevated above and generally unobstructed by existing improvements at the project site which appear in the foreground. If the project is approved, all existing improvements would remain in the foreground. With the exception of certain amusement rides that are proposed to exceed the structural height limit of the current PD and be up to the proposed height limit of 75 feet, all proposed improvements would meet current height limits and/or be at ground level. Amusement rides that would exceed current height limits would not be in direct line of sight when approaching the project site from the west and would not substantially obstruct the scenic vista or be in the line of sight for extended periods of time when approaching or passing by the project site from the north, east, or south. Therefore, project impacts on a scenic vista would be less-than-significant.
- b) The project site is not visible from a designated scenic highway.
- c) The existing visual character and quality of the site is characterized by its multiple existing uses, including the retail/wholesale farm supply store, an agritourism/agritainment area, single-family residences, a wireless telecommunications facility, orchard, crop lands, outdoors storage of farm and agritourism/agritainment equipment, and supplies, and parking, and multiple existing structure types including retail buildings, commercial storage buildings, agricultural buildings, amusement rides and amusement attractions.

The visual character of project surroundings is predominantly characterized by large agricultural parcels that are situated in the northeast, southeast, and northwest quadrants of the Deschutes Road/Dersch Road intersection. These properties are primarily used for cropland and are very open with improvements that are not screened or otherwise obscured from public view. The southwest quadrant of the Deschutes Road/Dersch Road intersection is characterized by rural residential development on parcels ranging from approximately 0.5 acres to 25 acres in size, including uses and structures typical of rural residential development such as residential buildings, garages, carports, agricultural buildings, and outdoor storage of items. Similar residential development exists along an approximately 0.25-mile segment of Deschutes Road north of the Deschutes Road/Dersch Road intersection. A veterinary clinic exists at the northeast intersection of the Deschutes Road/Dersch Road.

If the project is approved, all existing improvements would remain. With the exception of certain amusement rides that are proposed to exceed the structural height limit of the current PD and be up to the proposed height limit of 75 feet, all proposed improvements would meet current height limits and/or be at ground level. If the project is approved the existing visual character of the project site and surroundings would not significantly change as experienced from a publicly accessible vantage point.

- d) Improvements at the project site include outdoor lighting. Existing and proposed project lighting plan is required to meet Shasta County Zoning Plan Section 17.84.040 which requires all lighting to be designed and located so as to confine direct lighting to the premises and directs that a light source shall not shine upon or illuminate directly on any surface other than the area required to be



lighted and that no lighting shall be of the type or in a location such that constitutes a hazard to vehicular traffic, either on private property or on abutting streets. While existing and proposed project lighting may be visible from other premises, the nearest premises within line of sight of project lighting not owned by the Hawes Family are across Dersch and Deschutes Road from the project site. Given the distance between these premises and the project site, proposed project lighting would not shine upon or illuminate directly on these premises or constitute a vehicular hazard or be a significant source of glare. Compliance with Shasta County lighting standards. Shasta County development standards typically applied to C-R zone districts that involve buildings and structures, include the use of non-reflective construction materials. Conformance with Shasta County Zoning Plan and the proposed C-R development standards address lighting concerns. Conformance with these requirements would be confirmed through the review of building plans submitted with building permit applications. The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in a non-urbanized area.

**Mitigation/Monitoring:** None proposed.

<b>II. AGRICULTURE AND FORESTRY RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			✓	
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?			✓	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

a-b) The parcel occupied by the retail/wholesale farm supply store and the activity area established subject to the 2006 PD zone district are identified as urban and built-up land on the map titled Shasta County Important Farmland 2018 prepared by the State of California Department of Conservation. Other lands within the project site are identified as Farmland of Statewide Importance, Unique Farmland, Prime Farmland and Other land. Since the adoption of the 2006 PD and prior to March 1, 2023, the applicant expanded the activity area into areas that were identified as pumpkin patch and corn maze on the CDP which are areas identified

as Farmland of Statewide Importance and Unique Farmland. If the project is approved expansion and associated improvements made in this area would remain and the designations would likely be revised to urban and built-up land with a future update of the Shasta County Important Farmland map. Overall, a majority of the project site is not proposed to be urbanized or built-up for agritourism/agritainment use. If the project is approved the use of the southern portion of the property for agritourism/agritainment uses that do not involve the permanent improvements such as the mud run, re-enactments, weddings, tours, etc. would continue. Additionally, the applicant has proposed a limit for southern expansion of agritourism/agritainment uses involving permanent improvements without approval of a use permit which would allow for consideration of environmental impacts of any proposed future expansion of permanent agritourism/agritainment improvements on the southern portion of the property. Because the C-R district relies on the agricultural setting and use, the proposed C-R development standards require that the majority of the property remain in agricultural use.

The agricultural zoning for the project is proposed to change to be consistent with existing and proposed agritourism/agritainment uses that complement and support the agricultural use of the property. The project site is not subject to a Williamson Act contract. The adjoining property to the east is subject to a Williamson Act contract. It is owned by members of the Hawes family. Existing uses, buildings, and structures would remain at the project site. Existing uses and improvements at the project site do not conflict with the use of the adjoining property for agriculture and, consistent with the intent of the C-R zone district, the presence of the adjacent Williamson Act contracted agricultural property enhances the experience of visitors and stimulate interest in agricultural properties. Additionally, agricultural use of the majority of the property would be maintained as described above.

- c) The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). The project site is not forest land, timberland or zone Timberland Production.
- d) The project would not result in the loss of forest land or conversion of forest land to non-forest use. The project site is not forest land.

**Mitigation/Monitoring:** None proposed.

<b>III. AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			✓	
c) Expose sensitive receptors to substantial pollutant concentrations?			✓	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✓	

**Discussion:** Based on related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a-b) The NSVPA Air Quality Attainment Plan (2021) designates Shasta County as an area of Nonattainment-Transitional with respect to the ozone California ambient air quality standards. Nitrogen oxides (NOx) are a group of highly reactive gasses and are also known as "oxides of nitrogen." Because NOx is an ingredient in the formation of ozone, it is referred to as an ozone precursor. NOx is emitted from combustion sources such as cars, trucks and buses, power plants, and off-road equipment. Construction equipment and activities associated with making proposed improvements would generate air contaminants, including oxides of nitrogen (NOx), reactive organic gases (ROG), carbon dioxide (CO2) and particulate matter (PM10), in the form of engine exhaust and fugitive dust.

Construction activities at the site would produce dust, engine exhaust, fumes from adhesives and/or solvents, and other common air contaminants typically associated with development projects. Day to day operations and maintenance would continue to

generate dust and exhaust from use of mobile equipment, food facilities, generators, etc.

The number of equipment hours needed to construct the proposed utilities, buildings, and structures described in the project description, would be relatively low because the project site is relatively flat, and the proposed utilities, buildings, and structures are not substantial in size and/or extensive. With standard air quality measures in place to control fugitive dust, and with the equipment itself being subject to all applicable emissions requirements for off-road mobile sources of emissions, operation of mobile equipment during construction is not expected to generate significant emissions.

The facility would continue to generate vehicle trips in proportion to the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands. The new retail building proposed for retail/wholesale farm supply parcel, the building proposed for agritourism/agritainment uses, and operation of existing and proposed amusement rides, would not generate a significant number of new vehicle trips because they would in many cases be used by persons who would have otherwise visited the site to partake of existing improvements and offerings.

The Shasta County General Plan requires Standard Mitigation Measures and Best Available Mitigation Measures on all discretionary land use applications as recommended by the Shasta County Air Quality Management District (SCAQMD) to mitigate both direct and indirect emissions of non-attainment pollutants and all activities at the site would be subject to applicable SCAQMD rules governing air quality. Application of this requirement and compliance with SCAQMD rules in combination with the limited scope of proposed improvements will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard and would not conflict with or obstruct implementation of the NSVPA Air Quality Attainment Plan (2021) as adopted by Shasta County, or any other applicable air quality plan.

Therefore, the project would not conflict with or obstruct implementation of the Northern Sacramento Valley Planning Area (NSVPA) 2021 Triennial Air Quality Attainment Plan for Northern Sacramento Valley Air Basin as adopted by Shasta County, or any other applicable air quality plan.

c-d) The nearest sensitive receptors are single-family residences located west of the project site along Deschutes Road, including approximately eight single family residence within approximately 120 feet to 275 feet of the developed area of the project site within which present uses of the property will continue and the proposed development described in the project description will occur. Additionally, there are a few similarly situated residences to the north of the project site across Dersch Road. As discussed in section III(a-b) above, the project is not expected to generate substantial pollutant concentrations.

Dust generated during construction of the proposed improvements described in the project description would have the greatest potential to impact nearby sensitive receptors. The Shasta County General Plan requires Standard Mitigation Measures and Best Available Mitigation Measures on all discretionary land use applications as recommended by the Shasta County Air Quality Management District (SCAQMD) to mitigate both direct and indirect emissions of non-attainment pollutants and all activities at the site would be subject to applicable SCAQMD rules governing air quality. Application of this requirement and compliance with SCAQMD rules in combination with the limited scope of proposed improvements would minimize exposure of sensitive receptors to significant concentrations of dust generated by the project.

During construction, the proposed project would generate objectionable odors in the form of fuel exhaust in the immediate vicinity of the site. However, these emissions are short-term in nature and will rapidly dissipate and be diluted by the atmosphere downwind of the emission sources. Additionally, odors would be localized and generally confined to the construction area. The project would not attract a significant number of additional mobile sources that spend long periods queuing and idling at the site. Conformance with Standard Mitigation Measures and Best Available Mitigation Measures and compliance with SCAQMD rules would also mitigate objectionable odor from fuel exhaust generated during construction.

Based on the discussion in this section and the application of standard mitigation measures as required by the General Plan the air quality impacts on sensitive receptors from the project would be less-than-significant.

**Mitigation/Monitoring:** None proposed.

<b>IV. <u>BIOLOGICAL RESOURCES:</u></b> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			✓	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓
c) Have a substantial adverse effect on state or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plan?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, a biological survey letter report (Area West Environmental, Inc.), and a responses to comments memorandum (Area West Environmental, Inc.), the following findings can be made:

a,b,c,d,e,f) Habitats found within the project site include, agricultural, annual grassland, emergent marsh, ephemeral pond, mixed oak woodland, mixed riparian forest, orchard, riparian scrub, seasonal wetland, valley oak woodland, ephemeral drainage, developed-pervious, developed-impervious, agricultural ditch, Sacramento River, and Stillwater Creek. The various habitat types within the project site provide habitat for a variety of wildlife species including several that were observed during a field survey conducted by Area West Environmental, Inc. on September 8, 2023. There is little natural habitat uninfluenced by human activity left on the site. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands that have resulted in the present disturbance and human influence on natural habitat at the project site would continue, including within riparian and wetland habitats present within the project site.

No suitable habitat for special status plants or crustaceans was observed within areas where the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands occur.

Special status fish species occur within the Sacramento River and Stillwater Creek, including areas subject to flooding during winter months. No project activities would occur within the Sacramento River or Stillwater Creek or within flooded areas during winter months.

Habitat for valley elderberry longhorn beetle (VELB) and monarch butterfly (MB) exists within the project site primarily along a drainage found in the southern portion of the property with regards to VELB and a drainage adjacent to developed facilities on the northern portion of the property with regards to MB. No VELB were observed within the project site. MB caterpillars were observed on showy milkweed within the aforementioned drainage. The project will not impact the habitat located within the drainages as no vegetation removal, activities and/or improvements are proposed within these areas. Additional showy milkweed

plants were observed within annual grasslands at various locations throughout the site off of developed roads and trails. Much of these grasslands are subject to regular disturbance, including the area at the northwest corner of the retail/wholesale farm supply store that is proposed to be used for parking in the future and for a proposed electronic reader board sign.

An ephemeral drainage on the northern portion of the property provides marginally suitable habitat for western spadefoot but potential for occurrence is low due to a lack of vernal pool habitat within the project site. The project does not involve any activities or improvements within aquatic resources that may provide habitat for western spadefoot.

Suitable habitat for western pond turtle exists within the project site. Although the species has the potential to occur within the project site, associated project activities and improvements would take place in disturbed agricultural areas and developed farm roads within annual grasslands which are unlikely to support the species. The upland areas adjacent to aquatic resources are primarily disturbed agricultural areas where regular farming activities take place during the nesting season. Western pond turtles may potentially use these disturbed areas in the future but would not be disturbed any differently than they currently are. It is unlikely that proposed activities would result in a change from existing with respect to potential western pond turtle habitat disturbance as project activity areas are currently farmed and would continue to be farmed in the future. Therefore, western pond turtles are unlikely to be impacted by the proposed project.

Suitable habitat for bald eagle, bank swallow, yellow-billed cuckoo and migratory birds exists within the project site. The project does not propose the removal of any trees or ground disturbance in areas that are not currently subject to regular disturbance.

As noted above MB caterpillars were observed within the project site. No species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service were observed or are known to occur at the project site. A number of species protected by the Migratory Bird Treaty Act were observed during the biological survey of the site. Protected bird species were predominantly observed within the mixed riparian habitat, valley oak woodland, mixed oak woodland habitats. These habitats are currently subject to noise disturbance during regular farming activities during the breeding bird season as many of the farming activities onsite take place during the spring and summer. The mixed riparian forest is found adjacent to the existing agricultural water pump which during the spring and summer months, under existing conditions, is regularly checked using heavy equipment, vehicles, and human activity, and turned on and off. Additionally, a generator is attached to the pump for supplemental power supply and often runs in the late afternoon during peak watering season. Trucks and ATVs are used to access this area and regularly drive along the developed farm roads adjacent to this habitat. The large agricultural field found north of the riparian habitat is regularly disturbed as well. Large equipment is used and hay is harvested in the summer months where cutting, raking, baling, staking, and hauling the hay off the field occurs over the course of 7-10 days creating consistent noise disturbance. Mixed oak forest is predominantly found between the existing orchard and large agricultural field to the south. Both of these agricultural areas are regularly disturbed during the bird breeding season. The orchard is sprayed during the spring and summer and as previously mentioned the agricultural field is harvested during the summer. This regular disturbance pattern would be similar or more intense than most of the agritainment activities that are anticipated to occur within the project site. Additionally, this regular farming disturbance is longer in duration than all of the agritainment activities that would occur. For concerts and music festivals that would take place in the agricultural fields, the stage(s) would be strategically placed and oriented to reduce noise directed towards sensitive receptors and sensitive biological habitats that may contain protected birds.

A known bald eagle nest is located along Cow Creek approximately 0.5 miles east of the eastern boundary of the project site. This is a nesting location that has a history of fledging young. No bald eagle nests are known within the project site. The known bald eagle nest occurs directly across Cow Creek approximately 350 feet from an active farm that has regular farming activities occurring throughout the breeding season for the species. Concerts have occurred on the project site in the past with the stage oriented to the west or south away from the nest.

The USFWS developed management recommendations for avoiding bald eagle disturbance as a result of new or intermittent activities proposed in the vicinity of bald eagle nests in 2007 (USFWS 2007). Activities are separated into 8 different categories based on the nature and magnitude of impacts to bald eagles that usually result from the type of activity. The activity type in the USFWS recommendations that most closely resembles project activities is Category H. USFWS Category H includes loud intermittent noises, including fireworks. The USFWS guidelines suggest avoiding activities that produce extremely loud noises within 0.5 mile of active nests unless greater tolerance to the activity (or similar activity has been demonstrated by eagles in the nesting area). Additionally, the State of California under Forestry Practices to protect nesting for bald eagle during timber harvest suggests a minimum buffer of 10 acres (equal to an approximately 330-foot radius) (California Code of Regulations 2014). All project related activities would occur over 0.5 mile from the bald eagle nest on Cow Creek. This exceeds the USFWS and the California guidance to avoid nesting bald eagle disturbance. The species is not known to occur within the project site and project activities would take place over 0.5 mile from the known nest which exceeds both state and federal recommendations for disturbance buffers. Although project activities occur beyond federal and state recommended disturbance buffers, concerts or music festivals would strategically orient and place the stage(s) to not face directly toward this known nesting location. The project may incorporate the planting of native trees along the eastern and western boundaries of the project site creating additional vegetative

buffer. Therefore, the nesting bald eagles are unlikely to be impacted by the proposed project.

An aquatic resources delineation was previously prepared in 2011 for a portion of the project site, primarily the southern portion adjacent to the Sacramento River. On September 31, 2011, the U.S. Army Corps of Engineers sent a preliminary jurisdictional determination that concurred with the amount and location of wetlands and other water bodies on the project site. These resources were confirmed, and the remainder of the site was mapped during the September 2023 site visit. Wetlands and waters present onsite include ephemeral pond, emergent marsh, perennial drainage (Sacramento River and Stillwater Creek), seasonal wetland, agricultural ditch, and an ephemeral drainage. Generally, the ephemeral drainage is found in the northern portion of the project site, the agricultural ditch is along the northeastern corner of the existing orchard, emergent marsh is found between the orchard and the large agricultural field to the south and along the eastern boundary, the seasonal wetland is found adjacent to the remnant orchard, the ephemeral pond is in the southwestern corner of the site, the Sacramento River is along the southern boundary, and Stillwater Creek is in the southwestern corner of the project site. No project activities would occur within any aquatic resource present onsite.

The proposed project would not involve significant habitat modification as construction of proposed improvements described in the project description would take place previously within previously disturbed areas and would not require tree removal, impact wetland habitats present within the project site through direct removal, filling, hydrological interruption, or other means, interfere with any native resident or migratory fish or wildlife species, nor impede the use of native wildlife nursery sites, and/or would not conflict with any ordinances or policies which protect biological resources. There are no adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plans for the project site or project area.

**Mitigation/Monitoring:** None proposed.

<b><u>V. CULTURAL RESOURCES</u></b> – Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?			✓	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			✓	
c) Disturb any human remains, including those interred outside of formal cemeteries?			✓	

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

a,b,c)The project site has been substantially disturbed by human activity, including ground disturbance from agricultural use and construction of existing improvements. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands that have resulted in the present disturbance and human influence on the project site would continue. The proposed project would not involve significant disturbance of the ground or other natural features and does not include the destruction or alteration of existing manmade improvements. Therefore, the project would not cause a substantial adverse change in the significance of known historical resource, archaeological resource, or human remains.

Although there is no evidence to suggest that the project would result in any significant effect to archaeological, historical, or paleontological resources, there is always the possibility that such resources could be encountered. Therefore, the C-R zone district development standards would require that if, in the course of development and/or operations, any archaeological, historical, or paleontological resources are uncovered, discovered or otherwise detected or observed, development activities in the affected area shall cease and a qualified archaeologist shall be contacted to review the site and advise the County of the site's significance. If the findings are deemed significant by the Environmental Review Officer, appropriate mitigation shall be required.

Pursuant to California Health and Safety Code Section 7050.5, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site until the coroner has determined if the remains are subject to his or her authority. If the coroner determines that human remains are not subject to his or her authority and recognizes or has reason to believe the remains to be those of a Native American, he or she shall contact the Native American Heritage Commission within 24 hours.

**Mitigation/Monitoring:** None proposed.

<b><u>VI. ENERGY</u></b> – Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			✓	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			✓	

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

a) The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. During construction there would be a temporary consumption of energy resources required for the movement of equipment and materials. Compliance with local, State, and Federal regulations (e.g., limit engine idling times, requirement for the recycling of construction debris, etc.) would reduce and/or minimize short-term energy demand during the project's construction to the extent feasible, and project construction would not result in a

wasteful or inefficient use of energy. Furthermore, through compliance with applicable requirements and/or regulations of the 2016 California Code of Regulations, Title 24, Part 6 – California Energy Code, individual project elements (e.g., building design, HVAC equipment, etc.) would be consistent with State reduction policies and strategies, and would not consume energy resources in a wasteful or inefficient manner. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands that have resulted in the present disturbance and human influence on the project site would continue. While many of the amusement rides were present and/or installed at the property before March 1, 2023, not all were operational and when in operation would be a new potential new source of energy usage. Operation of these amusement rides would not be more that would be more energy intensive than is used for comparable projects. There are no unusual project characteristics or processes that would require the use of equipment that would be more energy intensive than is used for comparable projects or the use of equipment that would not conform to current emissions standards and related fuel efficiencies.

- b) The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. State and local agencies regulate the use and consumption of energy through various methods and programs. As a result of the passage of Assembly Bill 32 (AB 32) (the California Global Warming Solutions Act of 2006) which seeks to reduce the effects of Greenhouse Gas (GHG) Emissions, a majority of the state regulations are intended to reduce energy use and GHG emissions. These include, among others, California Code of Regulations, Title 24, Part 6 – California Energy Code, and the California Code of Regulations, Title 24, Part 11– California Green Building Standards Code (CALGreen). The project is a consumer and end user of electricity and fuel. It is assumed that electricity consumed by the project would be provided by the applicable service provider in accordance with state renewable energy plans and that vehicles used by the project would conform with state regulations and plans regarding fuel efficiency. At the local level, the County’s Building Division enforces the applicable requirements of the Energy Efficiency Standards and Green Building Standards in Title 24.

**Mitigation/Monitoring:** None proposed.

<b><u>VII. GEOLOGY AND SOILS</u> – Would the project:</b>	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> <li>i) Rupture of a known earthquake, fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publications 42.</li> <li>ii) Strong seismic ground shaking?</li> <li>iii) Seismic-related ground failure, including liquefaction?</li> <li>iv) Landslides?</li> </ul>			✓	
b) Result in substantial soil erosion or the loss of topsoil?			✓	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			✓	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			✓	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				✓



<b><u>VII. GEOLOGY AND SOILS</u></b> – Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault;

There are no known earthquake faults in the vicinity of the project site. According to the Shasta County General Plan Section 5.1, Shasta County has a low level of historic seismic activity. The entire County is in Seismic Design Category D. According to the Seismic Hazards Assessment for the City of Redding, California, prepared by Woodward Clyde, dated July 6, 1995, the most significant earthquake at the project site may be a background (random) North American crustal event up to 6.5 on the Richter scale at distances of 10 to 20 km. All structures shall be constructed according to the seismic requirements of the currently adopted Building Code (CBC). Compliance with these CBC standards and site/project specific soils report recommendations, if necessary, in accordance with the CBC standards, would ensure that the structures and associated improvements are designed and constructed to withstand expected seismic activity and associated potential hazards

- iii) Seismic-related ground failure, including liquefaction;

According to the California Department of Conservation, the project site and surrounding area are not designated as earthquake hazard zones indicating that there is a low risk of ground failures during seismic activity including fault rupture, liquefaction, and landslide. The project site is located in the South Central Region (SCR), which is identified as an area of moderate liquidation potential liquefaction in Section 5.1 of the Shasta County General Plan. There is no evidence of seismic-related ground failure, including liquefaction on or near the project site. All structures shall be constructed according to the seismic requirements of the currently adopted Building Code (CBC). Compliance with these CBC standards and site/project specific soils report recommendations, if necessary, in accordance with the CBC standards, would ensure that the structures and associated improvements are designed and constructed to withstand expected seismic activity and associated potential hazards

- iv) Landslides.

The project site has relatively flat topography, the region is at low risk of seismic-induced landslide according to the California Department of Conservation, and the project site is not located at the top or toe of any significant slope. There is no evidence of landslides on the subject property or the surrounding area.

- b) The project would not result in substantial soil erosion or the loss of topsoil.

The project would not result in substantial soil erosion or the loss of topsoil. The project site consists of seven soil series, classified by the Natural Resource Conservation Service (NRCS) in the United States Department of Agriculture (USDA) Web Soil Survey as 1) Hillgate loam (Hb ), with very slow runoff and no to slight erosion potential; 2) Churn Loam (CcB), with 3 to 8 % slopes, is well drained, with slight to moderate erosion potential and slow to medium runoff potential; 3) Churn Loam (CcA), with 0 to 3 % slopes, is well drained, with no to slight erosion potential and slow to medium runoff potential; 4) Los Robles Loam (LcA), with 0 to 3 % slopes, is well drained, with no to slight erosion potential and slow runoff potential; 5) Reif Loam, seeped (RmA), with 0 to 3 % slopes, is well drained, with no to slight erosion potential and very slow runoff potential; 6) Riverwash (Rw), is well drained, with very high erosion potential and slow runoff potential; and 7) Cobbly alluvial land (Ck), is well drained, with very severe erosion potential and slow runoff potential.

No grading or development is proposed within Riverwash and/or Cobbly alluvial land at the southern end of the property. A grading permit is required prior to any grading activities. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands that have resulted in the present disturbance and human influence on the project site would continue, including within existing disturbed Riverwash and/or Cobbly alluvial land at the southern end of the property. While Riverwash and/or Cobbly alluvial land at the southern end of the property has and continues to be disturbed by human activity, aerial imagery indicates that the riparian zone has, since the soil survey was conducted in 1974, become more densely vegetated likely due to management practices of the landowner. This vegetation acts as a buffer strip along the river.

The proposed improvements described in the project description would not involve significant soil movement. If soil movement needed for construction was to the extent that a grading permit were necessary, the grading permit would include requirements for erosion and sediment control, including retention of topsoil.

- c) The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The topography of the site is predominantly level, approximately 400 feet above mean sea level, with slopes between 0 and 3 percent. All structures shall be constructed according to the seismic requirements of the currently adopted Building Code. If a geotechnical report is required in accordance with the code, the report would address any geotechnical deficiencies. The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- d) The site soils are described as having moderate shrink-swell potential in the "Soil Survey of Shasta County." All structures shall be constructed according to the seismic requirements of the currently adopted Building Code. If a geotechnical report is required in accordance with the code, the report would address any geotechnical deficiencies. The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- e) Soil testing for the proposed septic system was conducted by Mark Cramer, Registered Environmental Health Specialist #5969. Mr. Cramer also prepared a preliminary design of the proposed system for the project. The soil testing performed by Mr. Cramer indicates the project would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- f) The project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Mitigation/Monitoring:** None proposed.

<b>VIII. GREENHOUSE GAS EMISSIONS:</b> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✓

**Discussion:** Based on these comments, the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

a, b) In 2005, the Governor of California signed Executive Order S-3-05, establishing that it is the State of California's goal to reduce statewide greenhouse gas (GHG) emission levels. Subsequently, in 2006, the California State Legislature adopted Assembly Bill AB 32, the California Global Warming Solutions Act. In part, AB 32 requires the California Air Resources Board to develop and adopt regulations to achieve a reduction in the State's GHG emissions to year 1990 levels by year 2020.

California Senate Bill 97 established that an individual project's effect on GHG emission levels and global warming must be assessed under CEQA. SB 97 further directed that the State Office of Planning and Research (QPR) develop guidelines for the assessment of a project's GHG emissions. Those guidelines for GHG emissions were subsequently included as amendments to the CEQA Guidelines. The guidelines did not establish thresholds of significance and there are currently no state, regional, county, or city guidelines or thresholds with which to direct project-level CEQA review. As a result, Shasta County reserves the right to use a qualitative and/or quantitative threshold of significance until a specific quantitative threshold is adopted by the state or regional air district.

The City of Redding currently utilizes a quantitative non-zero project-specific threshold based on a methodology recommended by the California Air Pollution Officers Association (CAPCOA) and accepted by the California Air Resources Board. According to CAPCOA's Threshold 2.3, CARB Reporting Threshold, 10,000 metric tons of carbon-dioxide equivalents per year (mtC02eq/yr) is recommended as a quantitative non-zero threshold. This threshold would be the operational equivalent of 550 dwelling units, 400,000 square feet of office use, 120,000 square feet of retail, or 70,000 square feet of supermarket use. This approach is estimated to capture over half the future residential and commercial development projects in the State of California and is designed to support the goals of AB 32 and not hinder it. The use of this quantitative non-zero project-specific threshold by Shasta County, as lead agency, would be consistent with certain practices of other lead agencies in the County and throughout the State of California.

The United States Environmental Protection Agency (EPA) identifies four primary constituents that are most representative of the GHG emissions. They are:

- Carbon Dioxide (C02): Emitted primarily through the burning of fossil fuels. Other sources include the burning of solid waste and wood and/or wood products and cement manufacturing.
- Methane (CH4): Emissions occur during the production and transport of fuels, such as coal and natural gas. Additional emissions are generated by livestock and agricultural land uses, as well as the decomposition of solid waste.
- Nitrous Oxide (N20): The principal emitters include agricultural and industrial land uses and fossil fuel and waste combustion.

- **Fluorinated Gases:** These can be emitted during some industrial activities. Also, many of these gases are substitutes for ozone-depleting substances, such as CFC's, which have been used historically as refrigerants. Collectively, these gases are often referred to as "high global-warming potential" gases.

Construction emissions from the proposed project would be significantly less than the quantitative non-zero project-specific thresholds described above. The scope of the proposed project improvements described in the project description will not involve a significant number of equipment hours to complete and would not generate significant traffic volumes during construction. All off-road equipment used during construction would be in conformance with applicable emissions standards. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue at a level consistent with past activities. Post construction operations of the site are not expected to generate significant GHG emissions based on the small scale of the proposed operations and because the proposed project will replace an existing retail store located 0.20 miles from the proposed project. Therefore, this project is not expected to be a significant source of construction or significantly increase operation GHG emissions.

The proposed project would not conflict with an adopted plan, policy, or regulation pertaining to GHGs. As described, all development in the unincorporated County, including future project-induced development, is required to adhere to all County-adopted policy provisions. Furthermore, the project is proposed at a location consistent with the urban growth anticipated for the site in the 2018 Regional Transportation Plan & Sustainable Communities Strategy for the Shasta Region (RTP/SCS), and therefore will not obstruct the achievement of the RTP/SCS emission reduction targets.

**Mitigation/Monitoring:** None proposed.

<b>IX. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?			✓	

**Discussion:** Based on these comments, the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a-b) If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue at a level consistent with past activities, including the routine transport, use, or disposal of hazardous materials commonly used in agricultural operations such as fertilizers, flammable gases, fuels, oils, and solvents. The retail/wholesale farm supply store is subject to and maintains a Hazardous Materials Business Plan which is required to store hazardous materials in reportable quantities (55 gallons (liquids), 500 pounds (solids), or 200 cubic feet for a compressed gas).

Construction of the proposed improvements described in the project description may involve the transport, use, or disposal of hazardous materials but the scope of the proposed improvements would not require routine transport, use, or disposal. Neither

Initial Study – Zone Amendment 21-0002 – Hawes River Acres, Et al. Page 20

would it require storage of such materials in reportable quantities. Therefore, the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- c) The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d) The project is not located on a site which is included on a list of hazardous materials sites compiled by the California Department of Toxic Substances Control pursuant to Government Code Section 65962.5.
- e) The project is not located within an airport land use plan or within two miles of a public airport or public use airport.
- f) The project is located at the intersection of two County maintained arterial roads. A review of the project, the Shasta County Multi-Jurisdictional Hazard Mitigation Plan, and the Shasta County Emergency Operations Plan, indicates that the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan as there is no emergency response plan for the project area.
- g) The Shasta County Fire Department has indicated that the project is located in an area which is designated a “HIGH” fire hazard severity zone. All project roadways, permanent driveways, and buildings and structures are or will be required to be constructed in accordance with the Shasta County Fire Safety Standards. These standards also require the clearing of combustible vegetation around all structures for a distance of not less than 30 on each side or to the property line. The California Public Resources Code Section 4291 includes a “Defensible Space” requirement of clearing 100 feet around all buildings or to the property line, whichever is less. Additionally, the C-R development standards require improvement of a fire suppression system, including on-site fire hydrants.

**Mitigation/Monitoring:** None proposed.

<b>X. <u>HYDROLOGY AND WATER QUALITY:</u></b> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.			✓	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would: (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flows?			✓	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓
e) Conflict with or obstruct implementation of a water quality control plan or sustainable management plan?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The proposed improvements described in the project description would not involve significant soil movement. If soil movement needed for construction was to the extent that a grading permit were necessary, the grading permit would include requirements for erosion and sediment control, including retention of topsoil. Through adherence to construction standards, including erosion and sediment control measures, water quality and waste discharge standards will not be violated. Nor

would surface or ground water quality be otherwise substantially degraded. A grading permit will be required. The provisions of the permit will address erosion and siltation containment on- and off-site.

- b) The project is served by well water from the Redding Groundwater Basin. The California Department of Water Resources (DWR) does not identify the Redding Area Groundwater Basin as being over-drafted nor expected to become over-drafted. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue at a level consistent with past activities. Therefore, the project would not substantially deplete decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- c) If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue in the same general manner. Construction and use of the improvements described in the project description would increase impervious surface area within the project site but would not substantially alter the existing drainage pattern of the site or area, or add substantial impervious surface area, in a manner which would (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; and/or (iv) impede or redirect flows.
- d) The project site is adjacent to the Sacramento River. An approximately 64-acre area of the southern portion of the project site is with a flood zone. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue at a level consistent with past activities, including in areas within the F1 and F2 flood zones. None of the proposed improvements described above are proposed within a flood zone. Therefore the project would not increase risk with release of pollutants in flood hazard, tsunami, or seiche zones due to project inundation.
- e) The project would not conflict with or obstruct implementation of a water quality control plan or sustainable management plan.

**Mitigation/Monitoring:** None proposed.

<b>XI. LAND USE AND PLANNING</b> - Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Physically divide an established community?			✓	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project does not include the creation of any road, ditch, wall, or other feature which would physically divide an established community.
- b) The purpose of the commercial recreation (C-R) district is to provide opportunities for the development of privately owned land for commercial recreational activities which need or utilize, and provide for the enjoyment of, the natural environment. This district is consistent with all general plan designations provided the proposed use blends harmoniously with the natural features of the surrounding area. Any commercial recreation use or combination thereof which is arranged and designed in such a manner as to result in a development that is internally compatible and compatible with the natural environment is permitted in the C-R district.

Agritourism and agritainment are in general commercial enterprises that link agricultural production and/or processing with tourism to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining or educating the visitors while generating income for the farm, ranch, or business owner by providing an opportunity for entertainment in an agricultural setting. Use of agricultural property for such uses has grown in popularity and is generally compatible with the agricultural use of property as one purpose of inviting the public to agricultural lands to enjoy such uses and to connect them with agriculture.

The use of the current PD zone for agritourism/agritainment on the project site was established in 2006. As noted in the project description, the applicant has held its annual Fall Fest during the month of October and other events throughout the year, including but not limited to, a mud run which was approved as an assemblage of people in accordance with the PD zone district, and other festivals, weddings, fundraisers, concerts, civil war reenactments, and other uses involving public visitation to the property, expanded the activity area into the pumpkin patch and corn maze shown on the CDP (areas reserved for agriculture) and to other areas that make up the project site, and expanded the area used for parking to include other areas within the property to accommodate high rates of attendance and/or large events. Additionally, Hawes River Acres developed several unpermitted uses, structures, facilities, and utilities on APN 057-190-036 that are not addressed in the PD or CDP, were determined to exceed the

intent and development standards of the PD, and that are and out of compliance with construction requirements and the California Health and Safety Code.

The applicant has proposed rezoning the property to rectify current violations of the PD ordinance. While the wholesale/retail farm supply would remain PD and be amended as described in the project description, the proposed C-R zone district would be more consistent with the existing and proposed agritourism/agritainment uses proposed for the rest of the project site and would allow existing uses and improvements that are consistent with the current PD zoning text and CDP; legalize existing commercial recreational uses and improvements that were established in violation of the zoning ordinance; allow new agritourism/agritainment uses that are similar in character and impact to such uses that have been carried out at the project site; and allow overnight lodging.

If the project is approved all existing improvements would remain and those described in the project description above. The proposed improvements described in the project description above are not extensive and would be similar in character to existing improvements. That said, intent of C-R zoning that the commercial recreational use blend harmoniously with the natural features of the surrounding area. The natural features of the surrounding area are characterized by developed agricultural and residential lands on a generally level alluvial plain that rises in elevation along the eastern and western edges of the plain. Development at the project site blends with these features similarly as other commercial, agricultural, and residential development in the vicinity in so much as development is generally visible on the open plain or in some case wholly or partially screened from view by natural or planted vegetation.

Nonetheless, the scope and scale of development at the project site is more extensive and intense than many properties in the vicinity which is attributable to it being used for multiple purposes, including a working farm, and managed as a single unit. Additionally, certain agritourism/agritainment improvements such as go-carts, bumper cars, and amusement rides that are difficult to make or give the appearance of an agricultural theme. Therefore, the recommended C-R development standards include that the applicant prepare and implement a landscaping and/or agricultural plan that provides full or partial screening and/or a composition of elements that greater harmonizes areas developed with permanent agritourism/agritainment buildings, structures, and amusements with the natural features of the surrounding area for consistency with the intent of the C-R zone district.

**Mitigation/Monitoring:** None proposed.

<b><u>XII. MINERAL RESOURCES</u></b> – Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				✓
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

a-b) Approximately 3.6 acres of the project site that is situated along the Sacramento River at the southern extent of the project site is zoned Interim Mineral Resource (IMR). The interim mineral resource (IMR) district is intended to be combined with any principal district to protect mining operations which are short-term (i.e., less than thirty years of expected operation), and to allow for compatible land uses while protecting the potential for mineral resource development. The application of this district to the project site is in recognition of alluvial sand gravel resources associated with Sacramento River. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue, and the proposed improvement described in the project description would be constructed. These activities and improvements would not result in the loss of availability of mineral resources that may exist within the IMR zone district, a known mineral resource that would be of value to the region and the residents of the State, or the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

**Mitigation/Monitoring:** None proposed.

<b><u>XIII. NOISE</u></b> – Would the project result in:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b) Generation of excessive groundborne vibration or groundborne noise levels			✓	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The current PD zone district includes noise limits established by the Shasta County General Plan. The General Plan Noise Standard for non-transportation noise sources is 55 dB hourly Leq daytime (7:00 a.m. to 10:00 p.m.), and 50 dB hourly Leq nighttime (10:00 p.m. to 7:00 a.m.). The PD standards provide that if a noise complaint is received and it is verified that the noise limits may be exceeded, the Director or Resource Management shall require the applicant submit a professional acoustic analysis which the Director may require be prepared by a third party at the applicant's expense. If the professional acoustic analysis determines that noise limits are exceeded, the applicant would be required implement sound attenuation measures recommended by the analysis. To date, the Department has not received noise complaints regarding the use of the subject property. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue in the same general manner and the C-R development standards would include the same or similar noise related development standards as the current PD.

Temporary project related noise sources would include human speech and the use of vehicles and equipment during construction of the proposed improvements described in the project description above. Temporary noise impacts are proposed to be minimized with a development standard that would limit the hours during which on-site activities can take place which is routinely recommended for discretionary projects that involve construction.

While many of the amusement rides were present and/or installed at the property before March 1, 2023, one or more were not operational and when in operation would be a new potential new source of noise that could impact sensitive uses nearby, including several single-family residences across Deschutes Road from the project site. Information on noise generated by the amusement rides is not available. Given the relatively small scale of the amusement rides proposed for operation and the distance between the project site and sensitive receptors, the proposed operation of the amusement rides is not expected to generate excessive noise. The PD standards regarding noise would be incorporated in the proposed C-R development standards and would be applicable to all amusement ride operations.

- b) Amusement rides made operational after March 1, 2023, could be a source of potential ground borne vibration. Given the relative small scale of the amusement rides proposed for operation and the distance between the project site and sensitive receptors, the proposed operation of the amusement rides is not expected to generate excessive ground borne vibration or ground borne noise levels. Nonetheless, the PD standards regarding noise that would be incorporated in the C-R development standards as described above would include provisions addressing groundborne vibration and noise complaints.
- c) The project is not located within the vicinity of a private airstrip or an airport land use plan, or within two miles of a public airport or public use airport.

**Mitigation/Monitoring:** None proposed.

<b><u>XIV. POPULATION AND HOUSING</u></b> – Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue at a level consistent with past activities. The project does not include the development of new homes or businesses, nor does it include the extension of any permanent roads or other infrastructure that would induce growth. It would not create a significant number of new jobs. Therefore, it is not expected to induce substantial growth in the area.
- b) The project does not include destruction of any existing housing. The project would not displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere.

**Mitigation/Monitoring:** None proposed.

<b><u>XV. PUBLIC SERVICES:</u></b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
Fire Protection?			✓	
Police Protection?			✓	
Schools?				✓
Parks?				✓
Other public facilities?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for:

**Fire Protection:**

The project is located in “HIGH” fire hazard severity zone. However, no significant additional level of fire protection is necessary. The C-R development standards require installation of a fire suppression system, including fire hydrants.

**Police Protection:**

The County employs a total of 165 sworn and 69 non-sworn County peace officers (Sheriff’s deputies) to serve a population of 66,850 persons that reside in the unincorporated area of the County (United States Census Bureau April 1, 2020). This level of staffing equates to a ratio of approximately one officer per 286 persons. The project was referred to the Shasta County Sheriff’s Office which returned the referral with no comment. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue at a level consistent with past activities. The project would not significantly increase the need of police protection and the project would not warrant any additional Sheriff’s deputies.



Schools:

The resultant development from the project will be required to pay the amount allowable per square foot of construction to mitigate school impacts.

Parks:

The County does not have a neighborhood parks system.

Other public facilities:

None

**Mitigation/Monitoring:** None proposed.

<b>XVI. RECREATION:</b>	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The County does not have a neighborhood or regional parks system or other recreational facilities. The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated but rather would continue to offer alternative recreational opportunities to the region at a level consistent with past activities.
- b) School facilities are typically used for sports and recreation. The City of Redding also has a number of recreational facilities. In addition, there are tens of thousands of acres of rivers, lakes, forests, and other public land available for recreation in Lassen National Park, the Shasta and Whiskeytown National Recreation Areas, the National Forests, and other public land administered by Bureau of Land Management. The project would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Construction of some of the improvements described in project description would be associated with the use of the project site for commercial recreation. The scope of this improvements is minimal and as discussed in this document will not result in significant adverse physical effects on the environment.

**Mitigation/Monitoring:** None proposed.

<b>XVII. TRANSPORTATION:</b> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			✓	
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)?			✓	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
d) Result in inadequate emergency access?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue at a level consistent with past activities. Therefore, the Department of Public Works has indicated that the project would not produce a significant increase in traffic and would not conflict with a program, ordinance or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
- b) The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Senate Bill (SB) 743 of 2013 (CEQA Guidelines Section 15064.3 et seq.) established a change in the metric to be applied in determining transportation impacts associated with development projects. Rather than the delay-based criteria associated with a Level of Service (LOS) analysis, the change in vehicle miles traveled (VMT) as a result of a project is now the basis for determining CEQA impacts with respect to transportation and traffic. As of the date of this analysis, the County of Shasta has not yet adopted thresholds of significance related to VMT. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue at a level consistent with past activities and generate VMT that is commensurate with that level of activity. Therefore, the project would not result in additional light vehicle trips beyond existing conditions in the project vicinity
- c) The project would not substantially increase hazards due to a geometric design feature or incompatible uses.
- d) The project is located at the intersection of two County maintained arterial roads. The project has been reviewed by the Shasta County Fire Department which has determined that there is adequate emergency access. The project does not in including any proposed improvements that would not result in inadequate emergency access.

**Mitigation/Monitoring:** None proposed.

<b>XVIII. <u>TRIBAL CULTURAL RESOURCES:</u></b> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<p>a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>			✓	

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- a) The project would not cause a substantial adverse change in the significance of a tribal cultural resource as there is no evidence of historical resources at the site that are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources; or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

In accordance with Public Resources Code (PRC) Section 21080.3.1, the Wintu Tribe of Northern California & Toyon-Wintu Center (Tribe) filed and Shasta County received a request for formal notification of proposed projects within an area of Shasta County that is traditionally and culturally affiliated with the Tribe. Pursuant to PRC §21080.3.1 the Department of Resource

Management sent a certified letter to notify the Tribe that the project was under review and to provide the Tribe 30 days from the receipt of the letter to request formal consultation on the project in writing. The Tribe received a certified letter of notification on March 3, 2023, with the 30-day notification period ending April 3, 2023. To date, no response has been received.

Implementation of the condition of approval described in the Cultural Resources section of this document will ensure impacts to tribal cultural resources will be **less-than-significant**.

**Mitigation/Monitoring:** None proposed.

<b>XIX. UTILITIES AND SERVICE SYSTEMS:</b> Would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocations of which could cause significant environmental effects?			✓	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				✓
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				✓
e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?				✓

**Discussion:** Based on the related documents listed in the Sources of Documentation for Initial Study Checklist, staff review of the project, observations on the project site and in the vicinity, the following findings can be made:

- The project would not require or result in the relocation or construction of new or expanded water or, wastewater treatment facilities or expansion of existing storm water drainage, electric power, natural gas or telecommunications facilities, the construction, or relocations of which could cause significant environmental effects. The project is served by existing individual wells and an on-site septic system. The project includes new agricultural wells and septic system, electrical system, and fire protection water system improvements as described in the project description. Impacts from the construction of the septic systems and wells have been considered and discussed in the relevant impact analysis sections above and will not result in significant impacts.
- The project will be served by individual wells. Well water is sourced from the Redding Groundwater Basin. The California Department of Water Resources (DWR) does not identify the Redding Area Groundwater Basin as being over-drafted nor is it expected to become over-drafted. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue at a level consistent with past activities and well water usage would be commensurate with that level of activity. The availability of well water at the property was not significantly impacted by recent drought. Therefore, there are sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- On-site septic systems will be used. No other wastewater treatment system would be affected by the project.
- The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. The project would be served by Waste Management disposal services and by the West Central Landfill which has sufficient capacity to accommodate the project's solid waste disposal needs.
- The project would comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.

**Mitigation/Monitoring:** None proposed.

<b>XX. WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				✓
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✓
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✓

**Discussion:**

- a) The project would not substantially impair an adopted emergency response plan or emergency evacuation plan. The project would conform to Shasta County Fire Safety Standards and ensure that adequate emergency ingress, egress and fire suppression water would be provided for the site. It would not conflict with any other aspect of the County's adopted Hazard Mitigation Plan.
- b) The project is in the "High" fire hazard severity zone with topography on the site being predominantly flat. The proposed project would not alter the topography, modify or redirect prevailing winds or include significant new sources of potential ignition that would significantly exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- c) The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) The topography of the site is relatively flat. The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

**Mitigation/Monitoring:** None proposed.

<b>XIX. <u>MANDATORY FINDINGS OF SIGNIFICANCE:</u></b>	Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below the self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				✓
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

**Discussion:**

- a) Based on the discussion and findings in Section IV. Biological Resources, there is no evidence to support a finding that the project would have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below the self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal.

Based on the discussion and findings in Section V. Cultural Resources, there is no evidence to support a finding that the project would have the potential to eliminate important examples of the major periods of California history or prehistory.

- b) Based on the discussion and findings in all Sections above, there is no evidence to suggest that the project would have impacts that are cumulatively considerable.
- c) Based on the discussion and findings in Section XIII. Noise above, there is evidence to support a finding that the project would have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

**Mitigation/Monitoring:** None proposed.

## INITIAL STUDY COMMENTS

### PROJECT NUMBER Zone Amendment 21-0002 – (Hawes River Acres, Et al.)

#### GENERAL COMMENTS:

**Special Studies:** The following project-specific studies have been completed for the proposal and will be considered as part of the record of decision for the Negative Declaration. These studies are available for review through the Shasta County Planning Division and online at [CEQA Documents and Notices \(non-EIR documents\) | Shasta County California](#).

1. On-Site Sewage Disposal Analysis and Septic System Design, Mark Cramer, Registered Environmental Health Specialist #5969, 08/10/22 and (revised) 10/12/2022.
2. Zone Amendment 21-0002 Hawes River Acres, Et al. Project Biological Survey Report, Area West Environmental, Inc., September 19, 2023.
3. Response to Comments on the Zone Amendment 21-0002 Hawes River Acres, Et al. Project Initial Study/Negative Declaration Memorandum, Area West Environmental, Inc., September 19, 2023.

**Agency Referrals:** Prior to an environmental recommendation, referrals for this project were sent to agencies thought to have responsible agency or reviewing agency authority. The responses to those referrals (attached), where appropriate, have been incorporated into this document and will be considered as part of the record of decision for the Negative Declaration. Copies of all referral comments may be reviewed through the Shasta County Planning Division. To date, referral comments have been received from the following State agencies or any other agencies which have identified CEQA concerns:

1. California Regional Water Quality Control Board
2. California Department of Fish and Wildlife

**Conclusion/Summary:** Based on a field review by the Planning Division and other agency staff, early consultation review comments from other agencies, information provided by the applicant, and existing information available to the Planning Division, the project, as revised and mitigated, is not anticipated to result in any significant environmental impacts.

## **SOURCES OF DOCUMENTATION FOR INITIAL STUDY CHECKLIST**

All headings of this source document correspond to the headings of the initial study checklist. In addition to the resources listed below, initial study analysis may also be based on field observations by the staff person responsible for completing the initial study. Most resource materials are on file in the office of the Shasta County Department of Resource Management, Planning Division, 1855 Placer Street, Suite 103, Redding, CA 96001, Phone: (530) 225-5532.

### **GENERAL PLAN AND ZONING**

1. Shasta County General Plan and land use designation maps.
2. Applicable community plans, airport plans and specific plans.
3. Shasta County Zoning Ordinance (Shasta County Code Title 17) and zone district maps.

### **ENVIRONMENTAL IMPACTS**

#### **I. AESTHETICS**

1. Shasta County General Plan, Section 6.8 Scenic Highways, and Section 7.6 Design Review.
2. Zoning Standards per Shasta County Code, Title 17.

#### **II. AGRICULTURAL AND FORESTRY RESOURCES**

1. Shasta County General Plan, Section 6.1 Agricultural Lands.
2. Shasta County Important Farmland 2018 Map, California Department of Conservation.
3. Shasta County General Plan, Section 6.2 Timber Lands.
4. Soil Survey of Shasta County Area, California, published by U.S. Department of Agriculture, Soil Conservation Service and Forest Service, August 1974.

#### **III. AIR QUALITY**

1. Shasta County General Plan Section, 6.5 Air Quality.
2. Northern Sacramento Valley Air Basin, 2018 Air Quality Attainment Plan.
3. Records of, or consultation with, the Shasta County Department of Resource Management, Air Quality Management District.

#### **IV. BIOLOGICAL RESOURCES**

1. Shasta County General Plan, Section 6.2 Timberlands, and Section 6.7 Fish and Wildlife Habitat.
2. Designated Endangered, Threatened, or Rare Plants and Candidates with Official Listing Dates, published by the California Department of Fish and Wildlife.
3. Natural Diversity Data Base Records of the California Department of Fish and Wildlife.
4. Federal Listing of Rare and Endangered Species.
5. Shasta County General Plan, Section 6.7 Fish and Wildlife Habitat.
6. State and Federal List of Endangered and Threatened Animals of California, published by the California Department of Fish and Wildlife.
7. Natural Diversity Data Base Records of the California Department of Fish and Wildlife.

#### **V. CULTURAL RESOURCES**

1. Shasta County General Plan, Section 6.10 Heritage Resources.
2. Records of, or consultation with, the following:
  - a. The Northeast Information Center of the California Historical Resources Information System, Department of Anthropology, California State University, Chico.
  - b. State Office of Historic Preservation.
  - c. Local Native American representatives.
  - d. Shasta Historical Society.

#### **VI. ENERGY**

1. California Global Warming Solutions Act of 2006 (AB 32)
2. California Code of Regulations Title 24, Part 6 – California Energy Code
3. California Code of Regulations Title 24, Part 11 – California Green Building Standards Code (CALGreen)

#### **VII. GEOLOGY AND SOILS**

1. Shasta County General Plan, Section 5.1 Seismic and Geologic Hazards, Section 6.1 Agricultural Lands, and Section 6.3 Minerals.
2. County of Shasta, Erosion and Sediment Control Standards, Design Manual
3. Soil Survey of Shasta County Area, California, published by U.S. Department of Agriculture, Soil Conservation Service and Forest Service, August 1974.
4. Alquist - Priolo, Earthquake Fault Zoning Maps.

#### **VIII. GREENHOUSE GAS EMISSIONS**

1. Shasta Regional Climate Action Plan
2. California Air Pollution Control Officers Association (White Paper) CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act

**IX. HAZARDS AND HAZARDOUS MATERIALS**

1. Shasta County General Plan, Section 5.4 Fire Safety and Sheriff Protection, and Section 5.6 Hazardous Materials.
2. City of Anderson and County of Shasta Multi-Jurisdictional Hazard Mitigation Plan
3. Records of, or consultation with, the following:
  - a. Shasta County Department of Resource Management, Environmental Health Division.
  - b. Shasta County Fire Prevention Officer.
  - c. Shasta County Sheriff's Department, Office of Emergency Services.
  - d. Shasta County Department of Public Works.
  - e. California Environmental Protection Agency, California Regional Water Quality Control Board, Central Valley Region.

**X. HYDROLOGY AND WATER QUALITY**

1. Shasta County General Plan, Section 5.2 Flood Protection, Section 5.3 Dam Failure Inundation, and Section 6.6 Water Resources and Water Quality.
2. Flood Boundary and Floodway Maps and Flood Insurance Rate Maps for Shasta County prepared by the Federal Emergency Management Agency, as revised to date.
3. Records of, or consultation with, the Shasta County Department of Public Works acting as the Flood Control Agency and Community Water Systems manager.

**XI. LAND USE AND PLANNING**

1. Shasta County General Plan land use designation maps and zone district maps.
2. Shasta County Assessor's Office land use data.

**XII. MINERAL RESOURCES**

1. Shasta County General Plan Section 6.3 Minerals.

**XIII. NOISE**

1. Shasta County General Plan, Section 5.5 Noise and Technical Appendix B.

**XIV. POPULATION AND HOUSING**

1. Shasta County General Plan, Section 7.1 Community Organization and Development Patterns.
2. Census data from U.S. Department of Commerce, Bureau of the Census.
3. Census data from the California Department of Finance.
4. Shasta County General Plan, Section 7.3 Housing Element.
5. Shasta County Department of Housing and Community Action Programs.

**XV. PUBLIC SERVICES**

1. Shasta County General Plan, Section 7.5 Public Facilities.
2. Records of, or consultation with, the following:
  - a. Shasta County Fire Prevention Officer.
  - b. Shasta County Sheriff's Department.
  - c. Shasta County Office of Education.
  - d. Shasta County Department of Public Works.

**XVI. RECREATION**

1. Shasta County General Plan, Section 6.9 Open Space and Recreation.

**XVII. TRANSPORTATION/TRAFFIC**

1. Shasta County General Plan, Section 7.4 Circulation.
2. Records of, or consultation with, the following:
  - a. Shasta County Department of Public Works.
  - b. Shasta County Regional Transportation Planning Agency.
  - c. Shasta County Congestion Management Plan/Transit Development Plan.
3. Institute of Transportation Engineers, Trip Generation Rates.

**XVIII. TRIBAL CULTURAL RESOURCES**

1. Tribal Consultation in accordance with Public Resources Code section 21080.3.1

**XIX. UTILITIES AND SERVICE SYSTEMS**

1. Records of, or consultation with, the following:
  - a. Pacific Gas and Electric Company.
  - b. Pacific Power and Light Company.
  - c. Pacific Bell Telephone Company.
  - d. Citizens Utilities Company.
  - e. T.C.I.
  - f. Marks Cablevision.
  - g. Shasta County Department of Resource Management, Environmental Health Division.
  - h. Shasta County Department of Public Works.

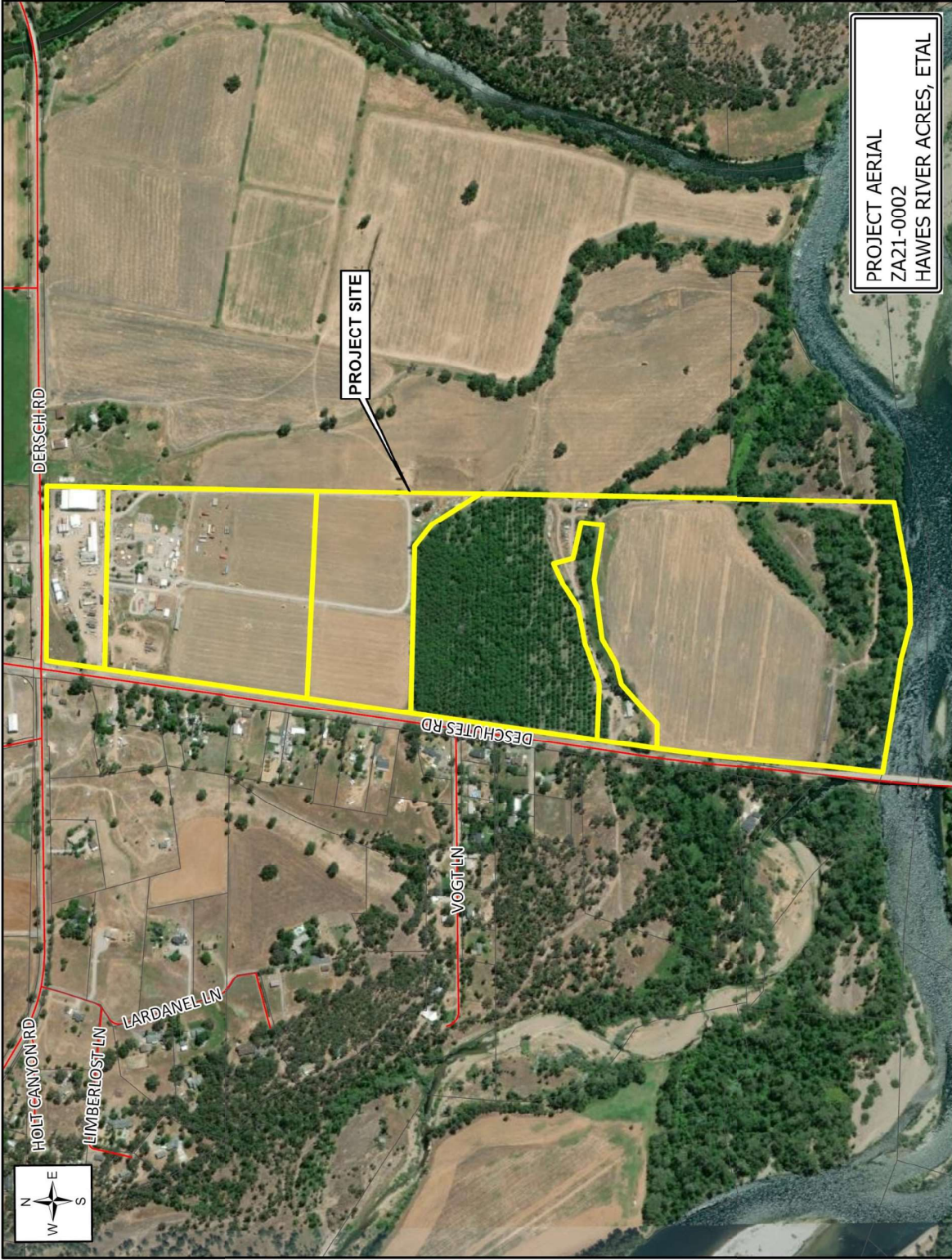


**XX. WILDFIRE**

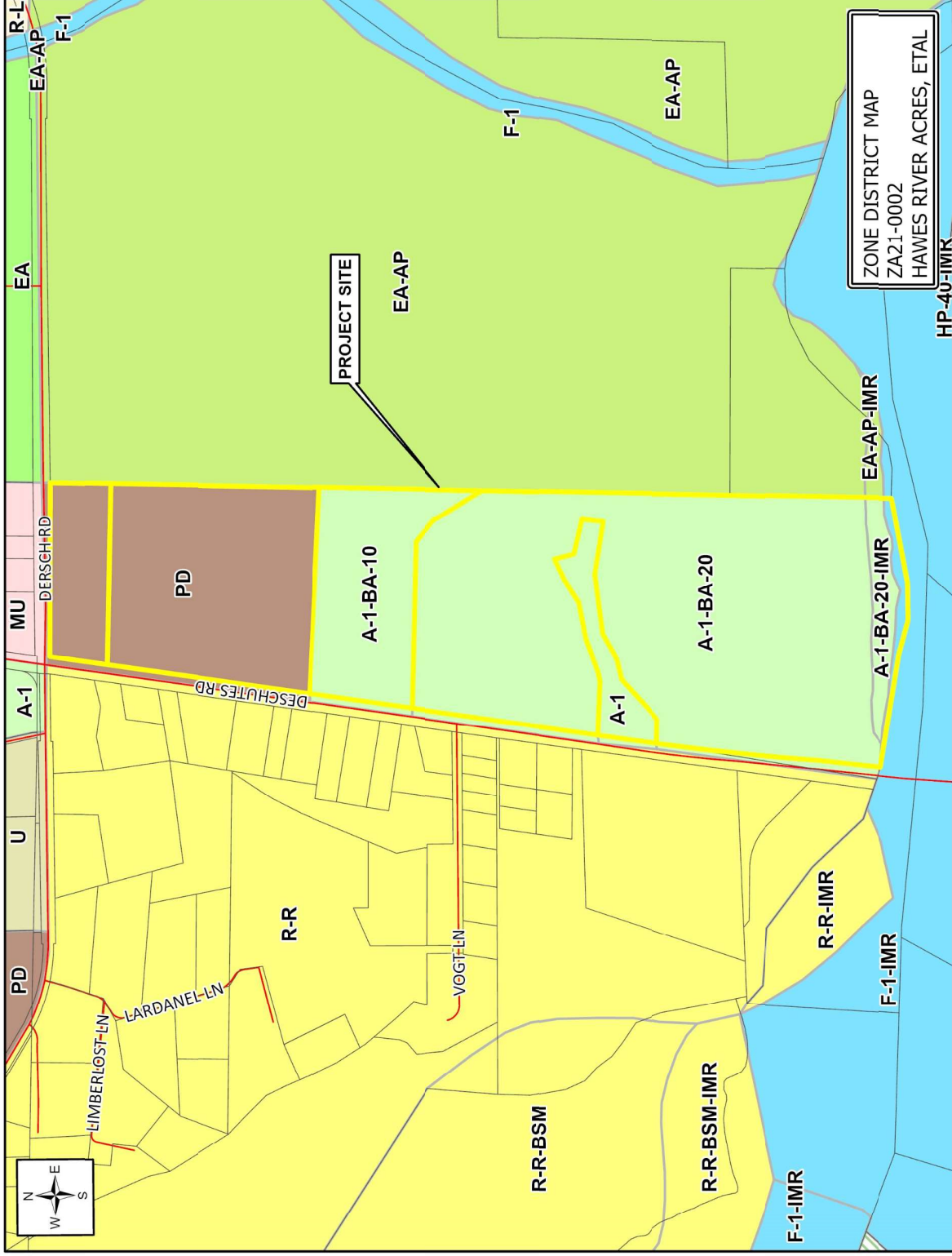
1. Office of the State Fire Marshal-CALFIRE Fire Hazard Severity Zone Maps

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

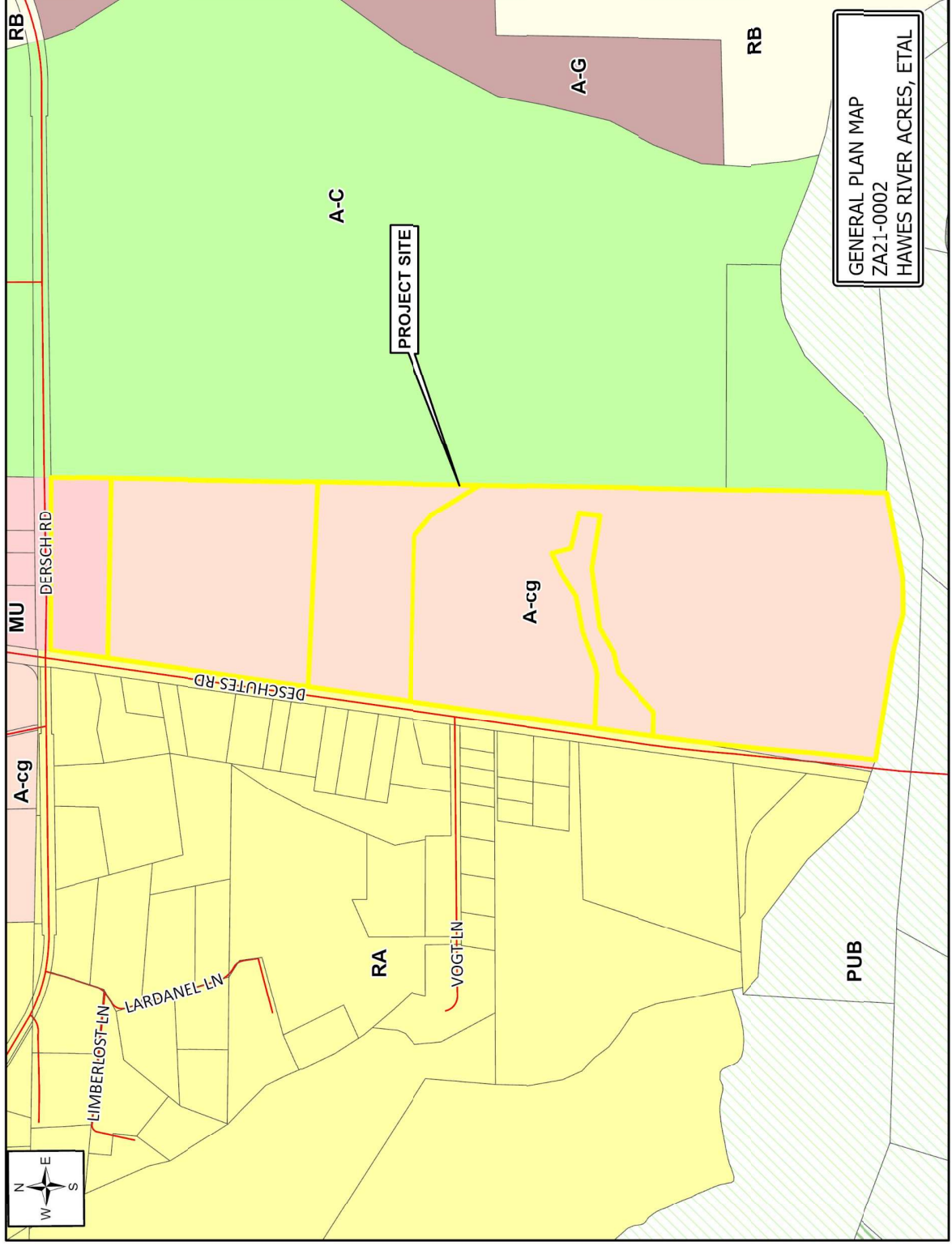
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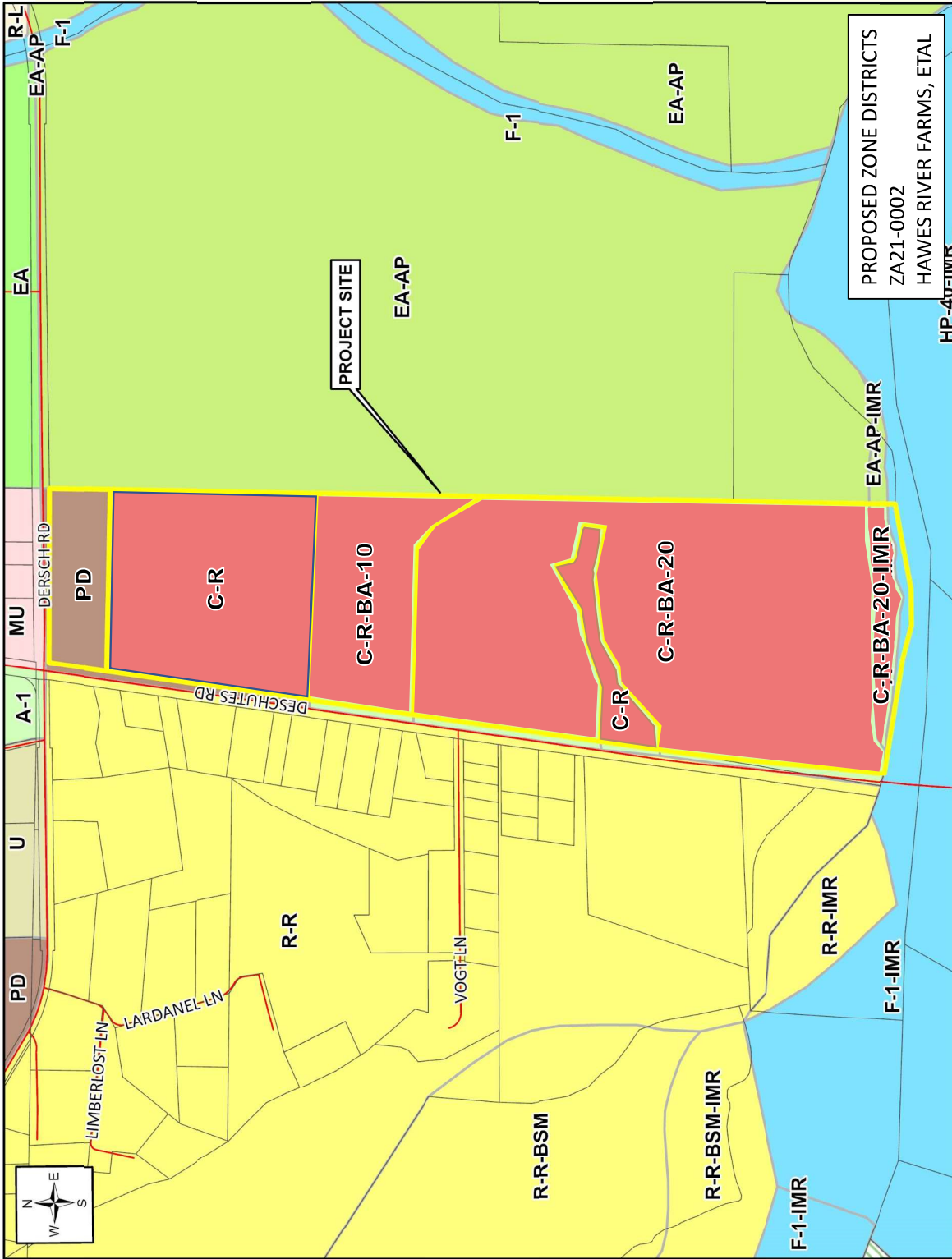


PROJECT AERIAL  
ZA21-0002  
HAWES RIVER ACRES, ETAL

















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## Central Valley Regional Water Quality Control Board

14 March 2023

Lio Salazar  
Shasta County Department of Resource Management, Planning Division  
1855 Placer Street, Suite 103  
Redding, CA 96001

### **COMMENTS ON ZONE AMENDMENT 21-0002 (HAWES RIVER ACRES, ET AL.), APN NUMBERS 057-190-036, 057-190-037, 057-190-041, 057-190-040, 057-190-031, ANDERSON, SHASTA COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 3 March 2023, we received your request for comments on Zone Amendment 21-0002(Project).

The applicant proposes a zone amendment to the existing and/or proposed permanent agritourism and agritainment uses, structures, installations, and improvements to be allowed within an expanded activity area located on property currently subject to the existing Planned Development zone district. Applicant also proposes new structures including certain amusement rides, storage buildings, a restroom building, and onsite wastewater treatments system. Minor road improvements would be included. The Project site is located at 6465 Deschutes Road, 21923 Dersch Road, and 21945 Dersch Road in Anderson.

Based on our review of the information submitted for the proposed project, we have the following comments:

#### Clean Water Act (CWA) Section 401, Water Quality Certification

The Central Valley Water Board has regulatory authority over wetlands and waterways under the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers. The proposed project must be evaluated for the presence of jurisdictional waters,

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER



If you have any questions or comments regarding this matter, please contact me at (530) 224-4784 or by email at [Jerred.Ferguson@waterboards.ca.gov](mailto:Jerred.Ferguson@waterboards.ca.gov).

Jerred Ferguson  
Environmental Scientist  
Storm Water & Water Quality Certification Unit

JTF: db

cc:  
via email: Wendy Johnston, VESTRA Resources, Redding

# DRAFT

## **AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA AMENDING ORDINANCE NUMBER 378-1948 AS IT PERTAINS TO APN XXX-XXX-XXX, THE ZONING ORDINANCE OF THE COUNTY OF SHASTA, A PORTION OF THE ZONING PLAN (ZONE AMENDMENT 21-0002 – G & W HAWES FAMILY TRUST, HAWES FAMILY ACRES, AND THE CAROL LEE ENGELHARDT 2019 REVOCABLE TRUST)**

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

SECTION 1. The following described real property is hereby rezoned from the Planned Development (PD), Limited Agriculture (A-1), Limited Agricultural combined with Building Site 10-Acre Minimum Lot Area (A-1-BA-10), Limited Agricultural combined with Building Site 20-Acre Minimum Lot Area (A-1-BA-20), and Limited Agricultural combined with Building Site 20-Acre Minimum Lot Area, and Interim Mineral Resource (A-1-BA-20-IMR) zone districts to the Commercial Recreation (C-R) zone district (no change is proposed to the limits of the BA-10, BA-20, IMR, Restrictive Flood (F-2) and Designated Floodway (F-1) combining districts that affect the subject real property) as shown on Exhibits A, C1.0, and C2.0 and incorporated herein.

East Anderson Area – Located generally at the southeast corner of the intersection of Deschutes Road and Dersch Road at 6465 Deschutes Road and 21923 and 21945 Dersch Road, Anderson CA 96007, all being within a portion of Section 7 of T.30N., R.3W and more specifically described as Parcels 1 and 2 of Parcel Map 17-19 (28PM40) and Parcel 1 and the Remainder Parcel of Parcel Map 3-94 (31PM51) and further described as Assessor's Parcel Numbers (APN) 057-190-036, 057-190-037, 057-190-041, and 057-190-040 as those APNs are assigned for purposes of the 2023 Regular Assessment Roll.

SECTION 2. The Board of Supervisors adopts the California Environmental Quality Act (CEQA) determination of a Negative Declaration based upon the following findings:

- A. An Initial Study has been conducted by the Shasta County Department of Resource Management, Planning Division, to evaluate the potential for significant adverse environmental effects and there is no substantial evidence in light of the whole record before the agency that the project as revised and mitigated may have a significant adverse impact on the environment;
- B. A \*\*\*\*\* has been prepared and circulated to the State Clearinghouse (SCH#\*\*\*\*\*) pursuant to CEQA. The environmental documentation as considered for this project reflects the independent judgment of the approving authority; and

SECTION 3. This ordinance shall be operative only upon the timely completion of the following conditions:

- 1. The applicant shall pay the Shasta County Clerk's document handling fee for posting a Notice of Determination (NOD) for this project pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15075 or for posting a Notice of Exemption (NOE) and shall also pay the appropriate fees pursuant to Fish and Wildlife Code Section 711.4 (AB3158). All the fees

# DRAFT

described in this section must be paid in full to the Shasta County Department of Resource Management within thirty calendar days of the passage of this ordinance.

If the condition set forth herein is not timely completed, then this ordinance shall have no force or effect.

SECTION 4. The purpose of this C-R zone district is to allow agriculture-related recreational/amusement buildings, structures, installations, and activities for families and the public at large that combine primary elements and characteristics of Shasta County and surrounding agriculture and tourism opportunities as a both a place and destination, that provide experiences for visitors that stimulate interest in agricultural properties, participation in agricultural activities, and enjoyment of agricultural lands in Shasta County.

SECTION 5. The following regulations and development standards shall apply to the C-R zone district:

- A. Property. The real property described in Section 1 above is more specifically shown on the Proposed Zone District Map attached hereto and incorporated herein as Exhibit A1 and shall be referred to as the “Project Site” within this ordinance.
- B. Intent: The regulations and development standards of the C-R zone district are intended to promote:
  - 1. The development of agriculture-related recreational/amusement buildings, structures, installations, activities and uses for families and the public at large that combine primary elements and characteristics of Shasta County and surrounding agriculture and tourism opportunities as a both a place and destination, that provide experiences for visitors that stimulate interest in agricultural properties, participation in agricultural activities, and enjoyment of agricultural lands on a working farm, ranch, or other agricultural operation or agricultural plant and fields.
  - 3. The development, operation, and maintenance of said agriculture-related recreational/amusement buildings, structures, installations, activities and uses for the education and enjoyment of visitors, guests, and clients and generation of income for the agricultural property owner or operator.
  - 4. The continuation of agricultural and other existing uses within the C-R zone district.
- C. Definitions:
  - 1. Agritourism: For the purposes of this C-R ordinance agritourism shall mean educational activities that are to take place at a working farm, ranch, or other agricultural operation or agricultural plant and are offered to the public, whether by invitation or not, including but not limited to, school tours, agricultural/environmental education center, education and interpretive seminars, clinics, tours, youth camps, field days, u-pick operations, roadside stands, wine/beer and/or food tasting, cooking demonstrations, and similar uses that involve direct and active observation, participation, consumption, etc. of agricultural uses and/or agricultural products that

## DRAFT

are grown and/or produced at the premises, and uses that are similar as may be determined by the Director of Resource Management prior to initiation of the use and subject to the applicable requirements of the C-R zone district.

2. Agritainment: For the purposes of this C-R ordinance agritainment shall mean uses, other than agritourism as defined herein, including activities, entertainment, events, and good and services that are to take place at a working farm, ranch, or other agricultural operation or agricultural plant and are offered to the public, whether by invitation or not, and that do not require direct and active observation, participation, consumption, etc. of agricultural uses and/or agricultural products that are grown and/or produced at the premises but are enhanced by passive enjoyment of the agricultural setting while engaged in an agritainment activity, including but not limited to, harvest festivals and fairs, corn mazes, barn dances, weddings, anniversaries, concerts, dances, music festivals, petting zoo, runs, walks, and races, hunting/working-dog trials, hay rides, reenactments, theme park activities with agricultural theme, farms stays, farm vacations, corporate retreats, guest house, bed and breakfast, camping, dry RV hookups, brewery and/or winery/distillery, farm-themed children play areas, children's discovery farms, food and drink, picnicking tents, amusement rides, livestock shows, rodeos, and other special events, haunted forests, haunted corn maze, haunted rides and similar uses. Conduct of said uses may include the use of props, air pneumatics, fire animatronics, electronics, and actors, and uses that are similar as may be determined by the Director of Resource Management prior to initiation of the use and subject to the applicable requirements of the C-R zone district.
3. Amusement Rides: For the purposes of this C-R ordinance, amusement rides shall mean and include but not be limited to, trains, roller coasters, carousels, ziplines, mega slides, tilt-o-whirl, ferris wheel, paratrooper, scrambler, bumper cars, go carts, circular kiddie rides, drop attractions, mechanical bull, and rides and uses that are similar as may be determined by the Director of Resource Management prior to initiation of the use and subject to the applicable requirements of the C-R zone district.
4. Amusement Activities and Attractions: For the purposes of this C-R ordinance, amusement activities shall mean and include but not be limited to children's swings (tire, regular, etc.), cow trains (pulled with a tractor and made out of 55-gallon barrels), corn cob cannons, corn maze with haunted-house and/or a haunted corn maze and/or haunted rides, duck/pig races, flower farm (persons can pick from a variety of flowers grown onsite), fishing pond, petting zoo, hay pyramids, bale mazes, obstacle courses, tunnels, forts, and hay jumps, hay bale mazes. hay bale obstacle course, tunnel, and fort, hay jumps, hay rides, inflatable facilities, including bouncing rubber fun houses, combo units, and bungee bounces., etc. with an agriculture theme, lawnmower races/go-kart races, grain train (grain carts pulled by tractor), children's play fort, tire play area, ball zone play area, slides of all types, including slide mountain, livestock slide trailer, dirt hill/slide, etc., stagecoach rides, pizza farm (i.e., area shaped like a pizza with a slice represented as a crop or livestock used to make a pizza), pig races, pumpkin patch for individual pumpkin picking, pumpkin blasters, slings, cannons, and

# DRAFT

catapults, standard games such as horseshoes, volleyball, tether ball, football, basketball, baseball, cornhole, etc., with an agricultural theme, tricycle maze for small three-wheeled bikes, miniature golf, movies (both drive-in and sit down), rope course, obstacle course, forts, paintball field/gallery, paintball rides, paintball, airsoft, gel blaster, and similar activities, climbing wall, tractor pull, fire pits, barnyard billiards, pony/horse rides, corn flyer, pumpkin swing, gold panning and gem stone collecting and activities and attractions and uses that are similar as may be determined by the Director of Resource Management prior to initiation of the use and subject to the applicable requirements of the C-R zone district.

## D. Uses permitted:

1. All permitted uses in the A-1 zoning district (Shasta County Code (SCC) 17.04.020).
2. Agritourism and agritainment uses, including amusement rides and amusement activities and attractions, that involve the use of existing and proposed buildings, structures, installations, and improvements described and/or shown Exhibits C1.0 and C2.0 of the conceptual development plan adopted in conjunction with this ordinance.
3. Tent or dry recreational vehicle camping within the area shown on Exhibit C2.0 of the conceptual development plan adopted in conjunction with this ordinance.
4. Agritourism uses and agritainment uses that do not involve the use of new buildings, structures, installations, and improvements, whether temporary or permanent, or overnight lodging, except as otherwise provided.
5. Food and beverage service, including alcoholic beverage service, and other retail concessions accessory to agritourism and agritainment uses.
6. Agritourism and agritainment uses that involve the use of temporary buildings, structures, installations, and improvements provided said temporary buildings, structures, installations, and improvements are removed within 5 days of the event.

## E. Uses permitted with a Zoning Permit:

1. Those uses allowed with a Zoning Permit in the A-1 zone district (SCC 17.04.025) provided said uses do not require modification of the C-R conceptual development plan.

## F. Uses permitted with an Administrative Permit:

1. Those uses allowed with an Administrative Permit in the A-1 zoning district (SCC 17.04.030) provided said uses do not require modification of the C-R conceptual development plan.

# DRAFT

## G. Uses permitted with a Use Permit:

1. Those uses allowed with a Use Permit in the A-1 zoning district (SCC 17.04.040).
2. Those uses allowed with a zoning permit and/or administrative permit in the A-1 zoning district (SCC 17.04.040) that would require modification of the C-R conceptual development plan.
3. Other permitted uses described in Section 5(H) that would require modification of the C-R conceptual development plan.
- 3.. Agritourism and agritainment uses that involve the use of permanent buildings, structures, installations, and improvements south of the line on Exhibit C1.0 of the conceptual development plan adopted in conjunction with this ordinance that demarcates the limit of southern expansion without approval of use permit and/or modification of the conceptual development plan to include new permanent buildings, structures and improvements for uses otherwise permissible in this C-R zone district.

## H. Other Permitted Uses

1. The uses allowed by, and subject to the provisions of SCC 17.88.010 through SCC 17.88.150, excepting those that would modification of the C-R conceptual development plan.
2. Other uses found to be similar in character and impact to those listed in sections C(1) and E(1) above, as determined in accordance with SCC 17.94.030, modification of the C-R conceptual development plan.

## I. Development Standards

1. The general development standards described in the A-1 zone district (Shasta County Code Sections 17.04.025) and the Shasta County Zoning Plan are applicable, except as otherwise provided herein.
2. Hours of Operation, Attendance, and General Operations:
  - a. Agritourism and agritainment operational hours of shall be limited to the time from 7 a.m. through 12 a.m. and in no case shall guest activities extend beyond 10 p.m., Sunday through Thursday, or 12 a.m. on Friday and Saturday, excepting overnight lodging and extended hours as may be allowed with prior written approval of the Shasta County Department of Resource Management Director or their designee on a limited and case by case basis during the holiday seasons and for special events.
  - b. Activities confined to indoor areas are permitted without restriction as to the day or time.

# DRAFT

- e. Agricultural use and activity shall be preserved and maintained as the primary use on the majority of the property and shall not be permanently or, for extended periods of time, temporarily displaced.
  - f. Agricultural activities shall be temporarily postponed and/or delayed while agritainment activities occur if such activities would conflict with each other and/or create potential safety concerns. Such postponement or delay shall be the minimum necessary to eliminate the conflict and/or safety concern.
  - g. If, in the course of development and/or operations, any archaeological, historical, or paleontological resources are uncovered, discovered or otherwise detected or observed, development activities in the affected area shall cease and a qualified archaeologist shall be contacted to review the site and advise the County of the site's significance. If the findings are deemed significant by the Environmental Review Officer, appropriate mitigation shall be required.
3. Outdoor Storage
- a. No outdoor storage of junk or wrecked vehicles or equipment is allowed, except for items used in haunt attractions.
4. Overnight Lodging
- a. No overnight lodging shall be offered, rented, leased, or let, or otherwise made ready and put into use except in conformance with all applicable regulations and without first obtaining all applicable approvals and permits, including but not limited regulations and permit reequipments of those of the Shasta County Department of Resource Management, Shasta County Tax Collector, and California Department of Housing and Community Development.
  - b. Overnight lodging stays shall not exceed 72 hours in duration.
  - c. Quiet hours for overnight lodging shall be observed after 10 p.m. and before 8 a.m. The use of portable and/or on-board generators shall be prohibited.
5. Buildings, Structures, Installations and Other Improvements
- a. No building, structure, installation, or other improvement, whether temporary or permanent, shall be constructed, erected, installed or otherwise made ready and put into use except in conformance with all applicable regulations and without first obtaining all applicable approvals and permit, including but not limited regulations and permit requirements of those agencies with jurisdiction including but not limited to the Shasta County Department of Resource Management, Shasta County Fire Department, Cal/OSHA-Amusement Ride and Tramway Development Unit, and California Department of Housing and Community Development (HCD).

# DRAFT

- b. Sea van/ cargo containers, mobile utility trailers, and/or similar containers may be used for storage. Any such items used for other purposes such as for haunted attractions, food and beverage services, souvenir stands, and similar uses, whether temporary or permanent, shall meet all applicable requirements of those agencies with jurisdiction, including but not limited to the Shasta County Department of Resource Management, Shasta County Fire Department, and California Department of Housing and Community Development (HCD). Such items may remain in a fixed location from year-to-year provided the property and items are being used for agritourism/agritainment uses.
  - c. The use of tents and other membrane structures, whether temporary or permanent, for the uses described herein, provided their installation and use conforms to all applicable requirements of those agencies with jurisdiction, including but not limited to the Shasta County Department of Resource Management and Shasta County Fire Department.
  - d. Proposed buildings and structures should either be painted or constructed of non-glare materials or of neutral or earth-tone colors.
  - e. All agritourism/agritainment buildings and outdoor storage facilities shall complement and/or promote an agricultural, historic farm, and/or fair theme.
  - f. Amusement rides shall not be greater than 75 feet in height and shall complement and/or promote an agricultural, historic farm, and/or fair theme.
  - g. Amusement rides that are 45 feet or greater shall not be located within 100 feet of a county road right-of-way.
6. Signage:
- a. No sign, whether temporary or permanent, shall be constructed, erected, installed or otherwise made ready and put into use except in conformance with all applicable regulations and without first obtaining all applicable approvals and permits, including but not limited regulations and permit requirements of those agencies with jurisdiction including but not limited to the Shasta County Building Division.
  - b. Signs as allowed by and subject to the provisions of Sections 17.84.060 through 17.84.069.
  - c. In addition to signs allowed under 6(b) above, signs that are appurtenant to the agritourism/agritainment uses are permissible provided said signs contain a sign area of 32 square-feet or less or 64 square-feet or less, if double sided.
  - d. Prior to erecting any sign, a sign plan showing the size and location of said signs shall be submitted to the Shasta County Department of Resource Management Planning Division for review and approval.



# DRAFT

## 7. Parking:

- a. All parking to serve C-R uses shall be provided off-street.
- b. The general parking area and accessible parking areas designated on Exhibit C2.0, and all overflow parking areas shall be in accordance with the design standards of section SCC 17.86.150 of the Shasta County Zone Plan when used to provide parking for agritourism/agritainment uses.
- c. Parking areas designated for use by patrons of the agritourism/agritainment uses, whether within the general parking area and accessible parking area designated on Exhibit C2.0 or overflow parking areas within the C-R zone district shall be provided according to the ratio of one parking space for every four (4) persons on-site. All parking shall be provided on site. In no case shall the number of vehicles present at the property exceed available on-site parking.
- d. Parking areas shall be maintained in a manner to control fugitive dust; methods to include, but not be limited to, the use of water, dust palliatives, gravel, paving etc. If complaints are received about dust, the Planning Director may specify the required dust control measures.
- e. Parking areas that are not provided on a gravel or bare mineral surface shall be closely mown to 3 inches or less within 24 hours of being used to provide parking.
- f. Tour buses, vans, and school buses shall not idle more than 10 minutes in one hour (per California Green Building Standards Code) while at the facility, so as to minimize noise and air quality impacts to the area, and shall be provided adequate off-street parking and turnaround areas.

## 8. Noise:

- a. If complaints about noise and/or ground borne vibration are received by the Planning Division, staff is available with noise testing equipment to evaluate any alleged noise violations. The Planning Director shall review each complaint and determine whether it can be verified. If it can be verified that noise levels generated by uses at the property are in excess of 55 hourly Leq dB daytime, and 50 hourly Leq dB nighttime, the Director shall inform the owner/operator that a report must be submitted to the Planning Division from an acoustical engineer or other qualified professional including actual measurements of noise from project operations. The Director may choose to have the Planning Division hire the acoustical engineer or other qualified professional to perform the study at the applicant's expense. In that event, the owner/operator shall deposit monies with the Division to cover the cost of the study and the Division's associated administration costs.

# DRAFT

If the results of that monitoring indicate that the County's noise standards are exceeded, additional noise control measures shall be implemented as needed. Such measures could include but not be limited to maintenance and/or updating of the amusement ride, modified hours or schedules of operation, physical barriers such localized noise barriers or blankets, and/or discontinuation of use.

## 9. Lighting:

- a. No use, including vehicles, shall create intense light or glare that causes a nuisance or hazard beyond the property line.
- b. Free standing lighting fixtures, such as those located in parking lots, shall not exceed 50 feet in height.
- c. Stadium lights or other high-mast lighting that exceeds 50 feet, in height is prohibited, except as otherwise provided.
- d. Temporary lighting for a concert or similar use, activity, or event shall be designed be done to minimize light pollution and direct lighting away from roadways, residences, and other sensitive receptors.

## 10. Air Quality

- a. All equipment utilized for construction purposes must meet the current on-road/off-road emission standards.
- b. In the event that diesel engines are utilized during the construction phase to provide power, all engines must be Tier 4 certified or registered with the Portable Equipment Registration Program.
- c. In the event that any engine greater than 50 horsepower is installed as a stationary source of power, emergency or prime, an application for an authority to construct shall be submitted to the AQMD prior to installation.
- d. Any person building, erecting, altering, or replacing any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants, shall obtain written authority for such construction from the air pollution control officer of the AQMD.
- e. No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such person or the public, or which cause, or have the natural tendency to cause, injury, or damage to business or property.
- f. All activities associated with a building site for residential, commercial, or industrial use shall be conducted in a manner to control fugitive dust emissions through the use of dust palliative agents or the use of water to mitigate off-site impacts.

# DRAFT

- g. The project shall provide for the use of energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces, and boiler units.
- h. Alternatives to open burning of vegetative material on the project site shall be used by the project applicant unless otherwise deemed infeasible by the AQMD. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- i. The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely and effective manner during all phases of project development and construction.
- j. All material excavated, stockpiled, or graded should be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily with complete site coverage, preferably in the mid-morning and after work is completed each day.
- k. All areas with vehicle traffic should be watered periodically or have dust palliatives applied for stabilization of dust emissions.
- l. All on-site vehicles should be limited to a speed of 15 miles per hour on unpaved roads.
- m. All land clearing, grading, earth moving or excavation activities on a project shall be suspended when winds are expected to exceed 20 miles per hour.
- n. All trucks hauling dirt, sand, soil or other loose material should be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer) in accordance with the requirements of CVC Section 23114. This provision shall be enforced by local law enforcement agencies.
- o. All material transported off-site shall be either sufficiently watered or securely covered to prevent a public nuisance.
- p. Paved streets adjacent to the project site should be swept or washed if excessive accumulations of silt and/or mud which have accumulated because of activities on the project site.

## 10. Traffic:

- a. An encroachment permit from the Shasta County Department of Public Works must be obtained for any new driveway and, if applicable, existing driveways that are subject to an existing encroachment permit.
- b. A parking and/traffic plan which includes parking layout, patterns of traffic flow, signage, and provisions for an attendant(s) to implement the plan shall be submitted to the Department of Resource Management Planning Division for review and approval.

# DRAFT

- c. Access driveways to facilities with public access or special events shall, at a minimum, meet the applicable fire safety standards specified in Section 6.1.2 Private Road, Public Road, and Non-Residential Driveway Standards, of the Shasta County Development Standards, and shall 1) connect to a County-maintained public road; or 2) connect to a private road or Permanent Road Division (PRD) that meets all applicable standards of Chapter 6 Fire Safety Standards or Chapter 2 Road Policies and Standards of the Shasta County Development Standards, whichever is the higher standard, as determined by the servicing the Shasta County Fire Department and the Shasta County Department of Public Works.

## 11. Fire Safety:

- a. A centralized water system providing fire hydrant(s) as specified by the Fire Safety Standards and California Fire Code is required for this C-R. Improvement plans shall be submitted to the CAL FIRE / SCFD for review and approval upon adoption of the C-R and shall be approved by CAL FIRE / SCFD prior to construction of the fire hydrant system.
- b. Required Private fire service mains and hydrants and their appurtenances shall comply with the currently adopted (at time of construction permit application) NFPA-24, California Fire Code and Shasta County Fire Safety Standards.
- c. Access to any future proposed building construction or change of use or occupancy of any existing building to paved two lane emergency vehicle access roads and fire apparatus turn arounds and fire water supplies shall extend on- site in compliance with the currently adopted (at time of construction permit application) California Fire Code and California Code of Regulations Title 14 and Shasta County Fire Safety Standards section 6.12.
- b. Existing agritourism/agritainment non-residential roadways, driveways, and turnarounds shall be in accordance with Section 6.12 of the Fire Safety Standards prior to initiating the new uses.
- b. The applicant shall dispose of any vegetation cleared for construction and/or land development purposes prior to the final inspection by the Shasta County Building Division. Disposal shall be in accordance with Air Quality Management Regulations and state or local Fire Department Burning Permit Regulations.
- c. Building and or Fire permit/s shall be required prior to construction or change of use or occupancy of any onsite buildings regulated by California Code of Regulations Title 24.

# DRAFT

- d. Future onsite construction projects shall comply with the building or site operation use, classification, size, height, access, means of egress, interior or exterior processing operations, onsite material storage, site identification and addressing, electrical equipment and wiring and fire protection systems regulated by the California Fire Code and California Code of Regulations Title 24.
- c. Storage, use, and dispensing of hazardous materials shall be in accordance with the adopted edition of the Uniform Fire Code. Plans shall be submitted to California Department of Forestry/Shasta County Fire Department for review and approval prior to construction, storage, or use.
- d. Portable fire extinguisher(s) shall be provided in accordance with the adopted edition of the California Fire Code.
- e. All mobile and stationary equipment with non-turbo charged internal combustion engines shall be equipped with a properly functioning, approved spark arrestor.
- e. All vehicles used for construction or operations shall be equipped with a portable fire extinguisher.
- f. **Advisory note:** The project is located in an area designated as a “HIGH” Fire Hazard Severity Zone under Section 4203 of the Public Resources Code of the State of California.

## 12. Sewage disposal:

- a. The appropriate sewage disposal facilities shall be provided as required by all applicable health and building codes, as interpreted and applied by the Shasta County Department of Resource Management, Environmental Health and Building Divisions.

## 13. Potable water:

- a. The appropriate potable water facilities shall be provided as required by all applicable health and building codes, as interpreted and applied by the Shasta County Department of Resource Management, Environmental Health and Building Divisions.

## 14. Food facilities:

- a. Food and beverage concessions are allowed onsite.

# DRAFT

- b. The appropriate food facilities approvals and permits shall be obtained as required by all applicable health and building codes, as interpreted, and applied by the Shasta County Department of Resource Management, Environmental Health and Building Divisions.
- c. All food service associated with the facility shall comply with the California Retail Food Code and all applicable regulations of the Shasta County Code including, but not limited to, Health and Safety (Title 8), Building and Construction (Title 16), and Zoning (Title 17)
- d. Food service associated with a facility may include any onsite kitchen, cooking, or food-preparation facilities, permanent or temporary.
- e. Eating areas, indoor and outdoor, may be allowed in conjunction with a permitted facility provided all such eating area(s) is (are) located in accordance with the provisions of the C-R zone district.

SECTION 6. Exhibit C1.0 and C2.0, as they pertain to the real property described in Section 1 above, are hereby designated Special Zoning Maps pursuant to SCC 17.02.030(B).

SECTION 7. This Ordinance shall be in full force and effect from and after thirty (30) days after its passage. The Clerk of the Board shall cause this Ordinance to be published as required by law.

DULY PASSED this \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

RECUSE:

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PATRICK JONES, CHAIR

Board of Supervisors

County of Shasta

State of California

ATTEST:

DAVID J. RICKERT

Clerk of the Board of Supervisors

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

**STRIKEOUT VERSION OF ORDINANCE NO. SCC 2023-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA  
AMENDING ZONING ORDINANCE NUMBER 378-1948 OF THE COUNTY OF SHASTA,  
A PORTION OF THE ZONING PLAN (ZA21-0002 - G & W HAWES FAMILY TRUST)**

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

SECTION 1. The following described real property is hereby rezoned from the existing Planned Development (PD) district and the Limited Agricultural district combined with a minimum lot area of 10 acres district (A-1-BA-10), to the revised Planned Development (PD) district. The lands-proposed for development are is Assessor's Parcels Numbers 057-190-036 and (APN) 057-190-031 (Section 7, T.30N., R.3W.).

East Anderson area - generally located at the southeast corner of the intersection of Deschutes Road and Dersch Road at 6465 Deschutes Road and 21923 and 21945 Dersch Road, Anderson CA 96007, all being within a portion of Section 7 of T.30N., R.3W and more specifically described as APN 057-190-031 as that APN is assigned for purposes of the 2023 Regular Assessment Roll. Zone District Map T.30N., R.3W.

SECTION 2. The Board of Supervisors adopts the California Environmental Quality Act (CEQA) determination of a \*\*\*\*\* based upon the following findings:

A. An Initial Study has been conducted by the Shasta County Department of Resource Management, Planning Division, to evaluate the potential for significant adverse environmental effects and there is no substantial evidence in light of the whole record before the agency that the project as revised and mitigated may have a significant adverse impact on the environment;

B. A \*\*\*\*\* has been prepared and circulated to the State Clearinghouse (SCH#\*\*\*\*\*) pursuant to CEQA. The environmental documentation as considered for this project reflects the independent judgment of the approving authority; and

C. Mitigation monitoring provisions have been considered by the approving authority pursuant to County Mitigation Monitoring and Reporting Procedures. Feasible mitigation measures have been specifically identified in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program represents the program designed to ensure environmental compliance during project implementation. This program, as required by Public Resources Code Section 21081.6, is based on those documents and materials referred to in the \*\*\*\*\*, and incorporated therein by reference, which are maintained at the County Planning Division's office located at 1855 Placer Street, Suite 103, Redding, California.

SECTION 23. The following regulations and development standards shall apply to the revised Planned Development (PD) District:

A. Intent: The regulations and development standards of the PD district are intended to promote:

1. The development and operation of uses consistent with the Mixed Use (MU) general plan land use designation to facilitate the development of retail/wholesale sales of agricultural products; and
2. To promote and support Agriculture-related recreational/amusement recreational/amusement buildings, structures, installations, and activities for families and the public at large, that combine primary elements and characteristics of Shasta County and surrounding agriculture and tourism opportunities as a both a place and destination, that provide experiences for visitors that stimulate interest in agricultural properties, participation in agricultural activities, and enjoyment of agricultural lands in Shasta County which promote “custom farming” and showcase agriculture as a primary use on lands with a Part-Time Agriculture (A-eg) general plan land use designation.

B. Uses permitted:

1. All permitted uses in the MU zone district (Shasta County Code (SCC) 17.54.025). Retail/Wholesale Farm Supply Store, consistent with the MU general plan land use designation, including the following:
  - a. ~~A barn for storage of feed and planting seeds.~~
  - b. ~~A barn for storage of hay and straw.~~
  - c. ~~A workshop for farm equipment.~~
  - d. ~~Outdoor storage of farm equipment and supplies, including trucks.~~
  - e. ~~Outdoor storage of horse shelters.~~
  - f. ~~Outdoor storage of fencing.~~
  - g. ~~A truck scale.~~
  - h. ~~A diesel fuel tank and dispenser.~~
2. Parking for the use by patrons of the recreational/amusement-type activities on the conducted within the adjoining Commercial Recreation (C-R) zone district Children’s swings (tire, regular, etc.).
3. ~~Cow trains (pulled with a tractor and made out of 55-gallon barrels).~~
4. ~~Corn cob cannons.~~
5. ~~Corn maze, with haunted house activities in the evening.~~
6. ~~Duck races.~~
7. ~~Flower farm (persons can pick from a variety of flowers grown on-site).~~
8. ~~Fishing pond.~~
9. ~~Hay pyramids.~~
10. ~~Hay bale mazes.~~
11. ~~Hay bale obstacle course, tunnel, and fort.~~
12. ~~Hay jumps.~~
13. ~~Hay rides.~~
14. ~~Inflatable facilities including bouncing rubber fun houses, combo units, etc. with an agricultural theme.~~
15. ~~Lawnmower races.~~
16. ~~Pizza farm (i.e., area shaped like a pizza with each slice represented as a crop or~~



~~livestock used to make a pizza. For example, wheat for the crust, pigs for the sausage, olive tree, tomatoes for the sauce.~~

- ~~17. Pig races.~~
- ~~18. Pumpkin patch for individual pumpkin picking.~~
- ~~19. Pumpkin blasters, slings, cannons, and catapults.~~
- ~~20. Standard games such as horseshoes, volleyball, tether ball, etc, with an agricultural theme.~~
- ~~21. Small scale children PVC slides, (not adult, commercially-oriented water slides) with an agricultural theme.~~
- ~~22. Tricycle maze for small three-wheeled bikes.~~
- ~~23. Small scale, temporary concession stands (i.e., food, souvenirs, etc.) provided they are: (1) associated with a special event (Halloween festival, Easter celebration, etc.), and (2) limited duration to not more than 48 hours within a seven-day time period.~~
- ~~24. Small scale general store (temporary building), limited to products produced and/or assembled on site or made from/of agriculture products (not open to the general public on a year-round basis for general retail sales).~~
- ~~25. Other uses as permitted in the A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025), where consistent with corresponding the General Plan land use designation.~~

C. Uses permitted with a Zoning Permit:

- ~~1. Those uses allowed with a Zoning Permit in the A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025), where said uses are consistent with the corresponding general plan land use designation.~~

D. Uses permitted with an Administrative Permit:

- ~~1. Those use allowed with an Administrative Permit in the A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025), where said uses are consistent with the corresponding general plan land use designation.~~

E. Uses permitted with a Use Permit:

- ~~1. Those use allowed with a Use Permit in the A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025), where said uses are consistent with the corresponding general plan land use designation.~~

F. Other permitted uses:

- ~~1. The uses allowed by, and subject to the provisions of, Sections 17.88.010 through 17.88.110 and, if accessory to a residence, Sections 17.88.130 through 17.88.150 where consistent with the corresponding MU general plan land use designation.;~~
- ~~2. The uses allowed by, and subject to the provisions of Sections 17.88.010 through 17.88.150 where consistent with the corresponding A eg general plan land use designation.;~~

- ~~2.~~ ~~3.~~ Other uses found to be similar in character and impact to those listed in PD Section 2; Subsections B. through F., Shasta County Code Sections 17.04.010 and 17.04.040 where consistent with the corresponding A-cg general plan land use designation, and Shasta County Code Sections 17.054.020 and 17.54.040 where consistent with the corresponding MU general plan land use designation, as determined in accordance with Section 17.94.030.;
- ~~3.~~ ~~4.~~ Signs as allowed by and subject to the provisions of Sections 17.84.060 through 17.84.069, where consistent with the corresponding MU general plan land use designation except that animated and/or changeable signs shall not be a prohibited sign types.

G. Development standards:

1. All parcels shall meet the development standards as described in the ~~A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025) and the Shasta County Zoning Plan, where consistent with the corresponding general plan land use designation.~~

~~H. Hours of operation:~~

- ~~1. The hours of operation for recreational/amusement type activities shall be limited to the time from 8 a.m. and sunset. Extended hours are permitted during the holiday seasons and for special events such as the haunted house. In no case shall the hours of operation extend beyond 10 p.m., Sunday through Thursday, or midnight on Friday and Saturday.~~

I. Outdoor storage:

1. No outdoor storage of junk or wrecked vehicles or equipment is allowed within the PD district. ~~Outdoor storage areas associated with the recreational/amusement type activities shall be screened by a view obscuring fence.~~

J. Building design:

1. All buildings and outdoor storage facilities shall complement and/or promote an agricultural theme.

K. Signage:

1. Prior to erecting any sign, a sign plan shall be submitted to the Shasta County Department of Resource Management Planning Division for review and approval.

L. Parking:

1. Parking areas designated on the approved Exhibit "A" and for use by patrons of the recreational/amusement type activities shall be in accordance with Section 17.56.150A of the Shasta County Zone Plan.
2. ~~Parking areas designated or the use by patrons of the recreational/amusement-type activities on the approved Exhibit "A" shall be provided according to the ratio of one parking space for every four (4) persons on-site. In no case shall the number of patrons of the activities exceed available parking.~~
3. Parking areas shall be maintained in a manner to control fugitive dust; methods to include, but not be limited to, the use of water, dust palliatives, gravel, paving etc. If complaints are received about dust, the Planning Director may specify the required dust control measures.

M. Noise:

- \*1. In the event that complaints about noise are received by the Planning Division, staff is available with noise testing equipment to evaluate any alleged noise violations. The Planning Director shall review each complaint and determine whether it can be verified. If so, the Director shall inform the owner/operator that a report must be submitted to the Planning Division from an acoustical engineer or other qualified professional including actual measurements of noise from project operations. The Director may choose to have the Planning Division hire the acoustical engineer or other qualified professional to perform the study. In that event, the owner/operator shall deposit monies with the Division to cover the cost of the study and the Division's associated administration costs.

If the results of that monitoring indicate that the County's noise standards are exceeded, additional noise control measures shall be implemented as needed. Such measures could include modifications of project hours of operations, the use of localized noise barriers, portable sound attenuating blankets suspended in close proximity to the noise sources or other barrier configurations as may be appropriate.

N. Lighting:

1. ~~Stadium-style lighting is prohibited~~ Free standing lighting fixtures, such as those located in parking lots, shall not exceed 50 feet in height.
2. All on-site lighting shall be shielded from surrounding property. No use, including vehicles, shall create intense light or glare that causes a nuisance or hazard beyond the property line.

O. Traffic:

1. An encroachment permit from the Shasta County Department of Public Works must be obtained for any new driveway.
- ~~\*2. At least two weeks prior to advertised special events, with specific start and/or end times and which are associated with the recreational/amusement type activities, a parking plan which includes parking layout, patterns of traffic flow, and makes provisions for an attendant(s) to implement the plan shall be submitted to the Department of Resource Management Planning Division for review and approval.~~

P. Safety:

1. Non-residential roadways, driveways, and turnarounds shall be in accordance with Section 6.12 of the Fire Safety Standards prior to initiating the new uses.
2. The applicant shall dispose of any vegetation cleared for construction and/or land development purposes prior to the final inspection by the Shasta County Building Division. Disposal shall be in accordance with Air Quality Management Regulations and state or local Fire Department Burning Permit Regulations.
3. Storage, use, and dispensing of hazardous materials shall be in accordance with the adopted edition of the Uniform Fire Code. Plans shall be submitted to California Department of Forestry/Shasta County Fire Department for review and approval prior to construction, storage, or use.
4. Portable fire extinguisher(s) shall be provided in accordance with the adopted edition of the California Fire Code.
5. All mobile and stationary equipment with non-turbo charged internal combustion engines shall be equipped with a properly functioning, approved spark arrester.
6. Each vehicle shall be equipped with a portable fire extinguisher.
7. **Advisory note:** The project is located in an area designated as a "HIGH" Fire Hazard Severity Zone under Section 4203 of the Public Resources Code of the State of California.

Q. Sewage disposal:

1. The appropriate sewage disposal facilities shall be provided as required by all applicable health and building codes, as interpreted and applied by the Shasta

County Department of Resource Management Environmental Health and Building Divisions.

R. Potable water:

1. The appropriate potable water facilities shall be provided as required by all applicable health and building codes, as interpreted and applied by the Shasta County Department of Resource Management Environmental Health and Building Divisions.

S. Food facilities:

1. The appropriate food facilities approvals and permits shall be obtained as required by all applicable health and building codes, as interpreted and applied by the Shasta County Department of Resource Management Environmental Health and Building Divisions.

\*Denotes mitigation measures of the Mitigated Negative Declaration.

SECTION 4. Exhibit C1.0 and C2.0, as they pertain to the real property described in Section 1 above, are hereby designated Special Zoning Maps pursuant to SCC 17.02.030(B).

SECTION 35. This Ordinance shall be in full force and effect from and after thirty (30) days after its passage. The Clerk of the Board shall cause this Ordinance to be published as required by law.

DULY PASSED this \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOYES:

ABSENT:

RECUSE:

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

ATTEST:

DAVID J. RICKERT

Clerk of the Board of Supervisors

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



# Shasta County

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

Richard W. Simon, AICP  
Director  
Dale J. Fletcher, CBO  
Assistant Director

September 8, 2017

Hawes River Acres  
Attn: Greg Hawes  
PO Box 52  
Palo Cedro, CA 96073

RE: HISTORIC HAWES FARMS

Dear Greg:

Thank you for meeting recently with Resource Management and County Fire staff and for allowing a pre-opening inspection of the site. The Resource Management Department supports diversification of agricultural operations with revenue-generating agricultural-related activities that promote the County's farming and ranching heritage and serve to maintain the long term viability of the primary agricultural land use.

I have attached the comments and reports from the Planning Division, Building Division, Environmental Health Division and County Fire Department. As you can see from these comments and reports, there are a number of uses, structures, facilities and utilities at the site that exceed the intent and standards established by the Board of Supervisors' approved Planned Development (PD) zone, and that are unpermitted and out of compliance with construction requirements and health and safety codes.

As a result, these facilities pose a substantial safety risk for employees of the operation and patrons alike. Therefore, any facility that you intend to operate in the 2017 season must be brought into compliance prior to the beginning of operations. As indicated in the attachments, the PD zone, approved by the Board of Supervisors in 2006, establishes the agricultural theme, limitations and development standards applicable to the enterprise. Several uses and facilities do not clearly fit within the established theme or standards and should be further discussed with Planning staff in relation to future operations. However, the immediate concern is for the Building, Environmental Health and Fire Department concerns which related directly to customer and employee safety.

To most efficiently address these immediate concerns, I suggest that you and your team determine what uses, structures and facilities you want to operate this season and work out a compliance plan with the appropriate divisions and departments with a strict timeline to achieve compliance prior to beginning operations.

Suite 101  
AIR QUALITY MANAGEMENT DISTRICT  
(530) 225-5674  
FAX: (530) 225-5237

Suite 102  
BUILDING DIVISION  
(530) 225-5761  
FAX: (530) 245-6468

Suite 103  
PLANNING DIVISION  
(530) 225-5532  
FAX: (530) 245-6468

Suite 201  
ENVIRONMENTAL HEALTH DIVISION  
(530) 225-5787  
FAX: (530) 225-5413

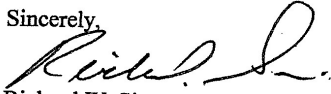
Suite 200  
ADMINISTRATION & COMMUNITY EDUCATION  
(530) 225-5789  
FAX: (530) 225-5807

Toll Free Access Within Shasta County 1-800-528-2850

Hawes Farms  
September 8, 2017  
Page 2

I am willing to set up the necessary meetings between you and your team and the agency staff with jurisdiction to move forward in this effort. Please call me at (530) 225-5114 or email me at [rsimon@co.shasta.ca.us](mailto:rsimon@co.shasta.ca.us).

Sincerely,



Richard W. Simon, AICP  
Director of Resource Management

Attachments: Comments/Reports from Planning Division, Building Division, Environmental Health Division and Shasta County Fire Department Fire

- c. Shasta County Planning Division  
Shasta County Building Division  
Shasta County Environmental Health Division  
Shasta County Fire Department

*Suite 101*  
AIR QUALITY MANAGEMENT DISTRICT  
(530) 225-5674  
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ADMINISTRATION & COMMUNITY EDUCATION  
(530) 225-5789  
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Toll Free Access Within Shasta County 1-800-528-2850

### **Shasta County Planning Division Comments on Hawes Farms Recreation/Amusement Operation**

**Attachments:** PD Zoning Ordinance, including the intent, permitted uses, and development standards of the zone; Site plan prepared by Design Drafting dated October 10, 2016.

**References:** The uses/structures noted below are numbered to correspond to the site plan prepared by Design Drafting dated October 10, 2016. Any features which exist, but are not depicted on the October 10, 2016 site plan are not evaluated below and may be subject to additional comment later.

**Building Permit Research:** Permit records show that the train storage barn is permitted, however no construction permits have been issued for any of the mobile, stationary, and/or temporary buildings, structures, tents, food facilities, and/or utilities within that portion of the PD zone that is designated Limited Agriculture (Ac-g) by the Shasta County General Plan (southern parcel that contains most of the recreation/amusement features). (Also, see comments from the Building division).

#### **PD zone and Development Standards:**

1. Current operations may be out of compliance with the following approved PD zone development standards. The status should be confirmed with Planning staff before beginning operations in the 2017 season (refer to PD zone attached):

H.1, I.1, J.1, K.1, L.1, L.2, O.2, P.3, P.4, Q.1, R.1, and S.1.

2. The following uses/structures are consistent with the approved PD zone provided they are installed, constructed, and operated in conformance with the development standards of the PD zone and applicable local building, fire, environmental health, and State regulations (numbers following the use/structure correspond to the October 10, 2016 site plan).

- A. Storage Building #2
- B. Stall #3
- C. Pumpkin Rack #4
- D. Goat Motel #5
- E. Kiddie Corn Maze #6
- F. Animal Stall #7
- G. Pump House/PA Room #11
- H. Portable Chicken Coop #16
- I. Electrical Panel/Propane Tank #17
- J. Storage Building #24
- K. Haunted House #27
- L. Pig Races #32
- M. Chicken House #33
- N. Corn Field Train #34
- O. Pumpkin Patch #35
- P. Corn Maze #36
- Q. Pizza Garden/Small Animal Pens #37
- R. Parking #39
- S. Pumpkin Shooters #41
- T. Sinister Workshop (Haunted House) #51



- U. Swings/Playground #55
- V. Haunted Corn Maze #58
- w. Jump Pillow #11
- X. Volleyball Court #14

3. The following uses/structures may be consistent with the approved PD zone if it can be shown that they promote "custom farming" and showcase agriculture as a primary use on lands designated with a Part-Time Agricultural (A-cg) general plan land use designation, and that the concessions are small scale and temporary, as required by the approved PD zone.

- A. Customer Service #8
- B. Snow Cone Shack #9
- C. Seating Area #10
- D. Seating Area #15
- E. Hot Dog Stand #18
- F. Portable Kiosk #26
- G. Men's Restrooms #44
- H. Women's Restrooms #45
- I. Employee Restrooms #46
- J. Donut Shack #47
- K. Kettle Corn Shop #50

4. The following uses/structures appear to be inconsistent the intent and/or the development standards of the PD zone. These uses/structures should be addressed in a revised PD zone, or by use permit.

- A. Flat Bed Bandstand (concerts) #20
- B. Concession Stand #21
- C. Outdoor Bar Stand #22
- D. Concession Stand #23
- H. Movie Screen (outdoor movies) #29
- E. Movie House #30
- F. Gold Panning #38
- G. Overflow Parking #40
- H. Go Cart Track #42
- I. Cotton Candy/Sweet Shop #49
- J. Paintball Sales #52
- K. Roller Coaster #54
- L. Paintball Shooting Gallery #56
- M. Canoe Ride #57

**ORDINANCE NO. 378-1948**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 378  
THE ZONING ORDINANCE OF THE COUNTY OF SHASTA  
A PORTION OF THE ZONING PLAN (Z06-027 - GREG & LORI HAWES)**

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

SECTION 1. The following described real property is hereby rezoned from the existing Planned Development (PD) district and the Limited Agricultural district combined with a minimum lot area of 10 acres district (A-1-BA-10), to the revised Planned Development (PD) district. The lands proposed for development are Assessor's Parcels Numbers 057-190-036 and 057-190-031 (Section 7, T.30N.,R.3W.).

East Anderson area - generally located at the southeast corner of the intersection of Deschutes Road and Dersch Road. Zone District Map T.30N.,R.3W.

SECTION 2. The following regulations and development standards shall apply to the revised Planned Development (PD) District:

A. Intent: The regulations and development standards of the PD district are intended to promote:

1. The development and operation of uses consistent with the Mixed Use (MU) general plan land use designation to facilitate the development of retail/wholesale sales of agricultural products; and
2. Agriculture-related recreational/amusement activities for families and the public at large, which promote "custom farming" and showcase agriculture as a primary use on lands with a Part-Time Agriculture (A-cg) general plan land use designation.

B. Uses permitted:

1. Retail/Wholesale Farm Supply Store, consistent with the MU general plan land use designation, including the following:
  - a. A barn for storage of feed and planting seeds.
  - b. A barn for storage of hay and straw.
  - c. A workshop for farm equipment.
  - d. Outdoor storage of farm equipment and supplies, including trucks.
  - e. Outdoor storage of horse shelters.
  - f. Outdoor storage of fencing.
  - g. A truck scale.
  - h. A diesel fuel tank and dispenser.
2. Children's swings (tire, regular, etc.).
3. Cow trains (pulled with a tractor and made out of 55-gallon barrels).

4. Corn cob cannons.
5. Corn maze, with haunted-house activities in the evening.
6. Duck races.
7. Flower farm (persons can pick from a variety of flowers grown on-site).
8. Fishing pond.
9. Hay pyramids.
10. Hay bale mazes.
11. Hay bale obstacle course, tunnel, and fort.
12. Hay jumps.
13. Hay rides.
14. Inflatable facilities including bouncing rubber fun houses, combo units, etc. with an agricultural theme.
15. Lawnmower races.
16. Pizza farm (i.e., area shaped like a pizza with each slice represented as a crop or livestock used to make a pizza. For example, wheat for the crust, pigs for the sausage, olive tree, tomatoes for the sauce.
17. Pig races.
18. Pumpkin patch for individual pumpkin picking.
19. Pumpkin blasters, slings, cannons, and catapults.
20. Standard games such as horseshoes, volleyball, tether ball, etc. with an agricultural theme.
21. Small-scale children PVC slides, (not adult, commercially-oriented water slides) with an agricultural theme.
22. Tricycle maze for small three-wheeled bikes.
23. Small-scale, temporary concession stands (i.e., food, souvenirs, etc.) provided they are: (1) associated with a special event (Halloween festival, Easter celebration, etc.), and (2) limited duration to not more than 48 hours within a seven-day time period.
24. Small-scale general store (temporary building), limited to products produced and/or assembled on-site or made from/of agriculture products (not open to the general public on a year-round basis for general retail sales).
25. Other uses as permitted in the A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025), where consistent with corresponding the General Plan land use designation.

C. Uses permitted with a Zoning Permit:

1. Those uses allowed with a Zoning Permit in the A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025), where said uses are consistent with the corresponding general plan land use designation.

D. Uses permitted with an Administrative Permit:

1. Those use allowed with an Administrative Permit in the A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025), where said uses are consistent with the corresponding general plan land use designation.

E. Uses permitted with a Use Permit:

1. Those use allowed with a Use Permit in the A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025), where said uses are consistent with the corresponding general plan land use designation.

F. Other permitted uses:

1. The uses allowed by, and subject to the provisions of, Sections 17.88.010 through 17.88.110 and, if accessory to a residence, Sections 17.88.130 through 17.88.150 where consistent with the corresponding MU general plan land use designation.;
2. The uses allowed by, and subject to the provisions of Sections 17.88.010 through 17.88.150 where consistent with the corresponding A-cg general plan land use designation.;
3. Other uses found to be similar in character and impact to those listed in PD Section 2; Subsections B. through F., Shasta County Code Sections 17.04.010 and 17.04.040 where consistent with the corresponding A-cg general plan land use designation, and Shasta County Code Sections 17.054.020 and 17.54.040 where consistent with the corresponding MU general plan land use designation, as determined in accordance with Section 17.94.030.;
4. Signs as allowed by and subject to the provisions of Sections 17.84.060 through 17.84.069, where consistent with the corresponding MU general plan land use designation.

G. Development standards:

1. All parcels shall meet the development standards as described in the A-1 or MU zoning districts (Shasta County Code Sections 17.04.025 and 17.54.025) and the Shasta County Zoning Plan, where consistent with the corresponding general plan land use designation.

H. Hours of operation:

1. The hours of operation for recreational/amusement-type activities shall be limited to the time from 8 a.m. and sunset. Extended hours are permitted during the holiday seasons and for special events such as the haunted house. In no case shall the hours of operation extend beyond 10 p.m., Sunday through Thursday, or midnight on Friday and Saturday.

I. Outdoor storage:

1. No outdoor storage of junk or wrecked vehicles or equipment is allowed within the PD district. Outdoor storage areas associated with the recreational/amusement type activities shall be screened by a view obscuring fence.

J. Building design:

1. All buildings and outdoor storage facilities shall complement and/or promote an agricultural theme.

K. Signage:

1. Prior to erecting any sign, a sign plan shall be submitted to the Shasta County Department of Resource Management Planning Division for review and approval.

L. Parking:

1. Parking areas designated on the approved Exhibit "A" and for use by patrons of the recreational/amusement type activities shall be in accordance with Section 17.56.150A of the Shasta County Zone Plan.
2. Parking areas designated for the use by patrons of the recreational/amusement-type activities on the approved Exhibit "A" shall be provided according to the ratio of one parking space for every four (4) persons on-site. In no case shall the number of patrons of the activities exceed available parking.
3. Parking areas shall be maintained in a manner to control fugitive dust; methods to include, but not be limited to, the use of water, dust palliatives, gravel, paving etc. If complaints are received about dust, the Planning Director may specify the required dust control measures.

M. Noise:

- \*1. In the event that complaints about noise are received by the Planning Division, staff is available with noise testing equipment to evaluate any alleged noise violations. The Planning Director shall review each complaint and determine whether it can be verified. If so, the Director shall inform the owner/operator that a report must be submitted to the Planning Division from an acoustical engineer or other qualified professional including actual measurements of noise from project operations. The Director may choose to have the Planning Division hire the acoustical engineer or other qualified professional to perform the study. In that event, the owner/operator shall deposit monies with the Division to cover the cost of the study and the Division's associated administration costs.

If the results of that monitoring indicate that the County's noise standards are exceeded, additional noise control measures shall be implemented as needed. Such measures could include modifications of project hours of operations, the use of localized noise barriers, portable sound attenuating blankets suspended in close proximity to the noise sources or other barrier configurations as may be appropriate.

N. Lighting:

1. Stadium-style lighting is prohibited.
2. All on-site lighting shall be shielded from surrounding property. No use, including vehicles, shall create intense light or glare that causes a nuisance or hazard beyond the property line.

O. Traffic:

1. An encroachment permit from the Shasta County Department of Public Works must be obtained for any new driveway.
- \*2. At least two weeks prior to advertised special events, with specific start and/or end times and which are associated with the recreational/amusement type activities, a parking plan which includes parking layout, patterns of traffic flow, and makes provisions for an attendant(s) to implement the plan shall be submitted to the Department of Resource Management Planning Division for review and approval.

P. Safety:

1. Non-residential roadways, driveways, and turnarounds shall be in accordance with Section 6.12 of the Fire Safety Standards prior to initiating the new uses.
2. The applicant shall dispose of any vegetation cleared for construction and/or land development purposes prior to the final inspection by the Shasta County Building Division. Disposal shall be in accordance with Air Quality Management Regulations and state or local Fire Department Burning Permit Regulations.
3. Storage, use, and dispensing of hazardous materials shall be in accordance with the adopted edition of the Uniform Fire Code. Plans shall be submitted to California Department of Forestry/Shasta County Fire Department for review and approval prior to construction, storage, or use.
4. Portable fire extinguisher(s) shall be provided in accordance with the adopted edition of the California Fire Code.
5. All mobile and stationary equipment with non-turbo charged internal combustion engines shall be equipped with a properly functioning, approved spark arrester.
6. Each vehicle shall be equipped with a portable fire extinguisher.
7. **Advisory note:** The project is located in an area designated as a "HIGH" Fire Hazard Severity Zone under Section 4203 of the Public Resources Code of the State of California.

Q. Sewage disposal:

1. The appropriate sewage disposal facilities shall be provided as required by all applicable health and building codes, as interpreted and applied by the Shasta County Department of Resource Management Environmental Health and Building Divisions.

R. Potable water:

1. The appropriate potable water facilities shall be provided as required by all applicable health and building codes, as interpreted and applied by the Shasta County Department of Resource Management Environmental Health and Building Divisions.

S. Food facilities:

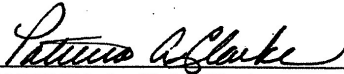
1. The appropriate food facilities approvals and permits shall be obtained as required by all applicable health and building codes, as interpreted and applied by the Shasta County Department of Resource Management Environmental Health and Building Divisions.

\*Denotes mitigation measures of the Mitigated Negative Declaration.

SECTION 3. This Ordinance shall be in full force and effect from and after thirty (30) days after its passage. The Clerk of the Board shall cause this Ordinance to be published as required by law.

DULY PASSED this 5th day of December, 2006, by the following vote:

AYES: Supervisors Hartman, Cibula, and Clarke  
NOYES: None  
ABSENT: Supervisor Kehoe  
RECUSE: Supervisor Hawes

  
PATRICIA A. CLARKE, Chairman  
Board of Supervisors, County of Shasta  
State of California

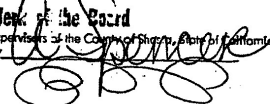
ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By:   
Deputy

This instrument is a correct copy  
of the original on file in this office.

ATTEST DEC 06 2006

Clerk of the Board  
Supervisors of the County of Shasta, State of California  
BY: 



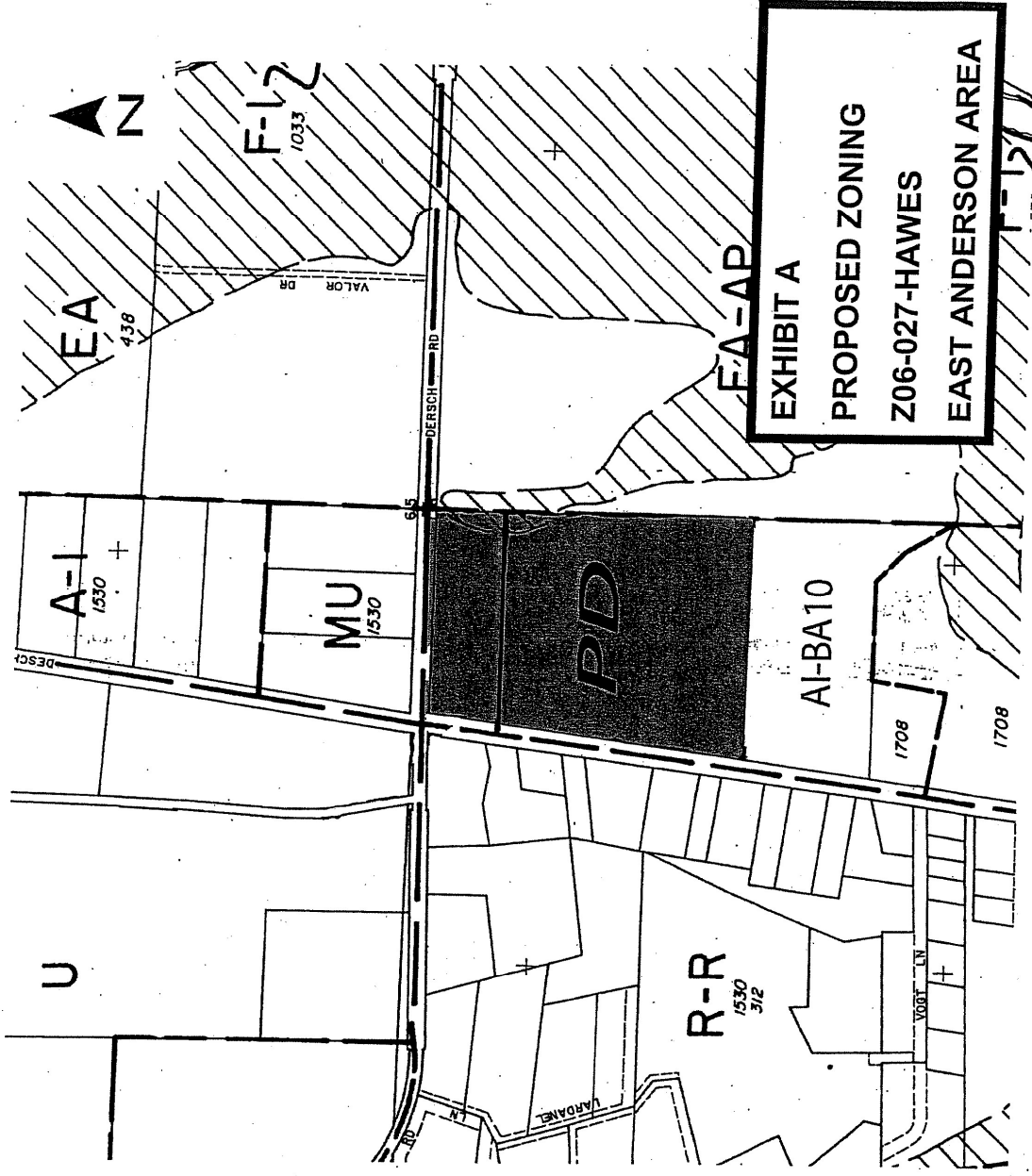


EXHIBIT A  
PROPOSED ZONING  
Z06-027-HAWES  
EAST ANDERSON AREA

August 30, 2017

**Building Division Hawes Ranch Field Observations**

1. Multiple unpermitted and unsafe installations of propane tanks and gas piping throughout the property.
2. Numerous locations of exposed Romex, non-GFCI receptacles and service panels installed close to sinks. An extensive use of extension cords servicing a number of buildings, cords located across walkways and door openings.
3. Two utility trailers installed and modified to be used as men and women restrooms, each with more than ten plumbing fixtures.
4. All structures have been placed or constructed without permits (except the train storage building) for occupancy by employees and/or the public.
5. An above ground 200+ gal gas tank.
6. The addition of a 960 sf haunted house constructed without a building permit.

**Summary of Building Division Code Violations**

The site is not in compliance with the California Building Code (CBC), California Electric Code (CEC), California Plumbing Code (CPC), California Mechanical Code (CMC), or the California Fire Code (CFC) and the State of California Accessibility Requirements CBC Chap 11B

To date, there is no record of the following required permits:

1. Temporary Structure Permit
  2. Building Permit resulting in unpermitted structures and unsafe use of buildings not intended for occupancy.
  3. Electric Permit resulting in the dangerous placement of electrical circuits throughout the parcel, no verification of conduit, conductor size, panel loading, trench depth, grounding, or weather proofing.
  4. Plumbing Permit creating unsafe conditions for water, waste and gas piping sizing, use and installation. Numerous unpermitted gas/fuel tanks were installed creating a hazardous situation.
  5. Mechanical Permit creating hazardous use of installed cooking appliances, missing required exhaust hoods, and dangerous use of heating/cooling equipment.
-





# Shasta County

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

Richard W. Simon, AICP  
Director

Dale J. Fletcher, CBO  
Assistant Director

September 6, 2017

Greg Hawes  
Hawes River Acres  
P. O. Box 52  
Palo Cedro, CA 96073

**SUMMARY OF INSPECTIONS FOR FAILING SEWAGE DISPOSAL SYSTEM (SDS), HAWES FARMS, DERSCH ROAD, ANDERSON, CA, SHASTA COUNTY, ASSESSOR PARCEL NUMBER (APN) 057-190-036**

The Shasta County Environmental Health Division (SCEHD) staff conducted an inspection of your parcel, in conjunction with Shasta County Building, Planning and Fire Department, on August 30, 2017. The inspection was in follow-up to a complaint response inspection conducted in October 2016 where a failing sewage disposal system (SDS) was observed. A failing SDS constitutes violations of the Shasta County Ordinance-Code, Sections 8.40.040, Unlawful Sewage Disposal, and 8.28.010, Maintaining a Public Nuisance.

The SDS failure was due to wastewater loads that exceeded its designed capacity because unauthorized connection of two trailers that had been modified into men's and women's public restrooms. At that time, you were directed to disconnect all discharges to the failing SDS and utilize porta potties for all restroom facilities. The permitted SDS15-205 was designed and installed to treat and disperse wastewater from only an employee restroom (10 employees) and two food concession stands. Subsequently, after the failure from overloading the SDS, you submitted application SDS16-224 to increase the size of your SDS to accommodate addition wastewater loads.

During the August 30, 2017, inspection there were questions regarding modifications done to the trailers converting them into public restroom. As a result, you shall disconnect them from any permitted SDS until these restroom trailers have been properly permitted and receive final appropriate agency approval. A permit for a SDS, servicing these public restrooms, may be obtained once the structures have been permitted and received final approval.

The leach field of the failed SDS for the employee restrooms and two food concession can be replaced under permit with SCEHD under the condition that all other wastewater shall be directed to an adequate number of porta potties based on peak occupancy. No wastewater shall be discharged to the SDS until all work has been completed and approved under inspection by SCEHD. Please submit a complete permit application revision to SCEHD for SDS16-224 if you choose this option.

**□ Suite 101**

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

**□ Suite 102**

BUILDING DIVISION  
530 225-5761  
Fax 530 245-6168

**□ Suite 103**

PLANNING DIVISION  
530 225-5532  
Fax 530 245-6468

**□ Suite 201**

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

**□ Suite 200**

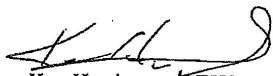
ADMINISTRATION & COMMUNITY EDUCATION  
530 225-5789  
Fax 530 225-5807

Toll Free Access Within Shasta County 1 800 528-2850

Greg Hawes  
Page 2  
September 6, 2017

Thank you for your consideration. Please contact me at 530/225-5787, Monday through Friday, should you have any questions or need additional information.

Sincerely,



Ken Henderson, REHS  
Waste Management Specialist

KH/pw

c: Shasta County Planning Division  
Shasta County Building Division  
Shasta County Fire Department  
Department of Housing and Community Development



# SHASTA COUNTY

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## FIRE DEPARTMENT

Mike Hebrard, Fire Warden

875 Cypress Ave.  
Redding, CA 96001  
Voice - (530) 225-2418  
Fax - (530) 225-2514

September 5, 2017

Attn: Lio Salazar  
Department of Resource Management Planning Division  
1855 Placer St.  
Redding, CA 96001

**Re: 2017 Hawes Ranch Fire Inspection**

Mr. Salazar,

Please see the attached fire inspection report completed by Shasta County Fire Inspector Scott Ross. Scott's report identifies numerous life safety violations that pose a significant hazard to both the employees and patrons.

Due to the nature of Hawes Ranch's business operations and the amount of public the ranch will serve, Shasta County Fire Department recommends that all the violations be addressed and corrected prior to its public opening for the 2017 season. It should be noted that there has been a history of Hawes Ranch continuing to add attractions and cooking structures without having the necessary prior inspections or installing the proper safety equipment required by the applicable codes.

Further questions or comments may be directed to Shasta County Fire Marshal, Jimmy Zanolli at (530) 225-2425.

Sincerely,

Mike Hebrard  
Shasta County Fire Warden

A handwritten signature in cursive script, appearing to read "J. Zanolli".

By: Jimmy Zanolli  
Shasta County Fire Marshal



**SHASTA COUNTY FIRE DEPARTMENT  
FIRE PREVENTION BUREAU**

875 Cypress Ave.  
Redding, CA. 96001  
530-225-2525



**Special Amusement Building and  
Haunted House Guideline Per 2016 California Fire Code**

The intent of this guideline is to provide the minimum standards necessary to ensure that any special amusement building, haunted house or similar proposed event is in compliance with the applicable provisions of the 2016 California Fire and Building Codes.

This guideline applies to special amusement buildings, haunted houses and similar events. Amusement buildings having an occupant load of 50 or more shall be treated as a Group A (Assembly) occupancy; all others will be a Group B occupancy. The guideline shall also apply to tents and temporary structures used for amusement and/or haunted houses.

**Amusement Building** – An amusement building is defined as a building or portion thereof, temporary or permanent, used for entertainment or educational purposes and that contains a system that transports passengers or provides a walkway through a course so arranged that the means of egress are not apparent due to theatrical distractions, are disguised, or are not readily available due to the method of transportation through the building or structure.

**1. Permits** – A permit is required from the fire department prior to the operation of any amusement building. Application for a permit should be made 30 days prior to the planned opening of the amusement building to ensure an adequate amount of time for plan reviews and field inspections. The applicant is to provide the fire department with copies of the event site and/or floor plans. These plans shall identify the locations of exits, exit signage, power supply; whether temporary or permanent, locations of decorative materials required to be flame retardant, along with the necessary evidence of such. The applicant is to contact the Fire Prevention Division at least 48 hours prior to the event to schedule an inspection. Any special requirements necessary for compliance with fire and life safety provisions will be listed on the permit. The permit fee is \$150 and includes the required inspection.

**2. Fire Alarm Systems (CBC 411.3, 907.2.12; CFC 907.2.12, 914.7.2)**

- a. An approved automatic fire detection system designed in accordance with CBC Section 907.
- b. The activation of a single smoke detector, the automatic sprinkler system, or other automatic fire-detection device shall immediately sound an alarm at the building at a constantly attended location from which emergency action can be initiated, including the capability of manual initiation of requirements in CFC 907.2.12.2.
- c. An emergency voice/alarm communication system shall be provided in accordance with CBC/CFC 907.2.12 and 907.5.2.2, which is also permitted to serve as a public address system and shall be audible throughout the entire special amusement building.

**3. Fire Sprinkler Systems (CBC 411.4; CFC 914.7)**

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- a. An automatic sprinkler system meeting the requirements of CBC/CFC 903.3.1. shall be installed in all special amusement buildings except those where the floor area is less than 1,000 square feet and the travel distance from any point to an exit is less than 50 feet.
- b. Where the special amusement building is temporary, the sprinkler water supply system shall be of an approved temporary means.

#### 4. Exiting (CBC 411.7, 1013)

- a. Exit signs shall be installed at the required exit or exit access doorways of amusement buildings per CBC 411.7 and CBC 1013. Approved directional marking shall be provided.
- b. Where mirrors, mazes, or other designs are utilized that disguise the path of egress travel such that they are not apparent, approved and listed low level exit signs that comply with CBC 1013.5 and directional path markings listed in accordance with UL 1994 shall be provided and located not more than 8" above the walking surface and or or near the path of egress travel
- c. Such markings shall become visible in an emergency. The directional exit marking shall be activated by the automatic fire detection system and the automatic sprinkler system in accordance with CBC/CFC 907.2.12.2.
- d. Where photo luminescent exit signs are installed, activating light source and viewing distance shall be in accordance with the listing and markings of the signs.

#### 5. Other Requirements

- a. Combustible decorative material used in Group A occupancy amusement buildings shall be flame resistant. Materials that cannot be made flame resistant shall not be used. CBC 411.8, CBC 803.1, CFC Chapter 8.
- b. The maximum occupant load in any Group A occupancy amusement building shall be determined by the fire code official and shall be posted in a conspicuous location.
- c. Portable fire extinguishers shall be provided as determined by the fire inspector. The minimum rating shall not be less than 2A:10BC. The minimum travel distance to an extinguisher shall not exceed 75'. CFC Section 906; Title 19 Chapter 3.
- d. The number and arrangement of exits shall comply with the provisions of the building code. CBC Chapter 10.
- e. All electrical wiring, including the use of extension cords, shall be installed and used in accordance with the California Electrical Code, its listing, and shall not exceed the maximum amperage for the wire size.

#### 6. Tents Used as Amusement Buildings

- a. All fire code requirements for tents shall apply. (CFC Chapter 31)
- b. The design of the tent shall be approved and shall include features that prevent the accumulation of smoke. (CBC Chapter 31E)
- c. The maximum occupancy is limited to 49 people in the tent at any time to maintain the use as a Group B occupancy.
- d. An approved fire watch shall be established and maintained throughout the performance. The person or persons designated as fire watch shall be in two-way communication with a person stationed at a location where the systems and features of the amusement are manually controlled. Upon notification that a fire or other emergency condition exists, the operator shall place all systems and features in emergency mode.
- e. All decorative materials shall be composed of flame retardant materials or shall be treated with a flame retardant. Materials that cannot be made flame retardant shall not be used.





SHASTA COUNTY FIRE DEPARTMENT  
FIRE PREVENTION BUREAU

875 Cypress Ave.  
Redding, CA. 96001  
530-225-2525



CORRECTION NOTICE

BUSINESS Hawes Farm  
ADDRESS 21923 Dersch Rd. Anderson, CA. 96007  
RESPONSIBLE Greg Hawes  
PHONE # 530-949-9997  
INSPECTOR NAME (PRINT) Scott Ross

DATE 9/5/2017  
PERMIT # N/A  
PHONE # 530-225-2087

ITEM	CORRECTION LIST	LINE
1	Restrooms: Provide illuminated exit signs w/emergency lighting. CFC 1013	1
2	Pizza Shack: Clean and service hood. Provide Class K fire extinguisher. CFC 904.12	2
	Install misc. switch/outlet cover plates. CFC 605.6 / 605.9	3
3	Kettle Corn: Replace membrane cover w/State Fire Marshal approved material.	4
	Provide Class K fire extinguisher. Propane tank shall be 10' from kettle. CFC 3104	5
4	Corn Dog: Clean and service hood. Provide Class K extinguisher. CFC 904.12	6
5	Cookie Shack: Install Type 2 hood over oven. Install Type 1 hood over deep fryers.	7
	CFC 904.12	8
6	Sinister Workshop: Provide emergency "house lighting" operable from a constantly	9
	monitored location. In an emergency, lights shall come on, and all sound and motion	10
	shall cease. An emergency voice/alarm communication system (PA system) shall	11
	also be provided. CFC 907.2.12 / 907.5.2.2	12
	Shall have an approved automatic fire/smoke detection system. CFC 907	13
	Exit signs shall be installed at all exit or exit access doorways, with approved	14
	directional marking. CFC 1013	15
7	Haunt: Shall have the same provisions as item 6. CFC 907 / 1013	16
		17

I have read and understand the violations on this list and I agree to correct them. Responsible Initials: \_\_\_\_\_  
The above violations shall be corrected immediately. I agree to a re-inspection date of \_\_\_\_\_ at \_\_\_\_\_ am/pm.

Received by (PRINTED NAME):	Signature:	Date:
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☐ KEEP THIS NOTICE ON FILE FOR 18 MONTHS FROM DATE OF COMPLETION



SHASTA COUNTY FIRE DEPARTMENT  
FIRE PREVENTION BUREAU

875 Cypress Ave.  
Redding, CA. 96001  
530-225-2525



CORRECTION NOTICE

BUSINESS Hawes Farm  
ADDRESS 21923 Dersch Rd. Anderson, CA. 96007  
RESPONSIBLE Greg Hawes  
PHONE # 530-949-9997  
INSPECTOR NAME (PRINT) Scott Ross

DATE 9/5/2017  
PERMIT # N/A  
PHONE # 530-225-2087

ITEM	CORRECTION LIST	LINE
8	Propane Tanks: LPG tanks up to 125 gallons (water capacity) shall be 5' from any	1
	building or structure. Tanks 125 to 500 gallons, shall be 10' from any building or	2
	structure. CFC 6104	3
9	Fuel Tank @ Go Carts: Shall be an approved UL listed tank. Shall have an	4
	emergency shut-off. Shall have an approved electrical connection in accordance	5
	with California Electrical Code. Shall be cleared of all vegetation and combustible	6
	material out to 30'. Shall have proper placard, and "No Smoking or Open Flame"	7
	signs. CFC 5704 / NFPA 30	8
10	Fire Extinguishers: All fire extinguishers shall be serviced prior to start of event.	9
		10
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		17

I have read and understand the violations on this list and I agree to correct them. Responsible Initials: \_\_\_\_\_  
The above violations shall be corrected immediately. I agree to a re-inspection date of \_\_\_\_\_ at \_\_\_\_\_ am/pm.

Received by (PRINTED NAME):	Signature:	Date:
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☐ KEEP THIS NOTICE ON FILE FOR 18 MONTHS FROM DATE OF COMPLETION

David Ledger  
P.O. Box 990027  
Redding, CA 96099  
[dsledger49@gmail.com](mailto:dsledger49@gmail.com)

Re: Hawes River Acres Zone Amendment 21-0002  
August 14, 2023

Lio Salazar  
Planning Division Manager  
Shasta County Planning Department  
1855 Placer Street  
Redding, CA 96001

Re: Hawes River Acres, Zone Amendment 21-0002

Dear Mr. Salazar and Planning Commissioners

We have received concerns and complaints about the above project and after reviewing the Initial Study and plans for the project we also have concerns, about the scope of the project and the lack of requirement of at least a Mitigated Negative Declaration if not a full EIR.

The project abuts an oak woodland adjacent to the Sacramento River at its south end. After talking with a number of residents in the area it is obvious that they have a number of valid concerns that are not addressed in the Negative Declaration particularly in regard to noise, urban sprawl, air pollution, greenhouse gas emissions and failure to consider the cumulative effects of the proposed project on the environment, which is a CEQA requirement.

Furthermore, the Planning Department states that this previous zoning agreement with Hawes Ranch has been violated in a number of areas as noted below:

*"Additionally, the applicant developed several unpermitted uses, structures, facilities, and utilities on APN 057-190-036 that are not addressed in the PD or CDP, were determined to exceed the intent and development standards of the PD, and that are and out of compliance with construction requirements and the California Health and Safety Code. (Page 2 of Initial Study.)*

*"In 2017, by letter the Shasta County Department of Resource Management informed the applicant of these issues, the need to come into compliance with the PD ordinance, and the need to address other Building, Environmental Health, and Fire Department concerns regarding uses, structures, facilities, and utilities that had been developed and operated contrary to the PD ordinance and other applicable requirements. It was the applicant's position that all uses, structures, facilities, and utilities that were the subject of the letter met the intent of the PD as they are typical of businesses engaged in what is commonly referred to as agritourism or agritainment. On this basis, and to address the land use and zoning issues described in the 2017 letter, the applicant filed an application in 2021 to amend the zoning of the property." (Page 2 of the Initial Study)*

*"Aspects of current operations at the project site are currently in violation of the PD, CDP, and Shasta County zoning plan." (Page 3 of Initial Study)*

*"Since the preparation of the proposed CDP, it is known that several amusements have been installed at the project site, including the truck ride, ladybug ride, fish ride, carousel, Scrambler, and Tilt-O-Whirl, a Little Dipper roller coaster, paratrooper ride, swing ride, and dirt hill/slide which are shown on the proposed CDP." (Page 4 of Initial Study)*

*"Events at the have typically been served by portable toilets, excepting for a time during which a bathroom trailer was connected to an existing septic system that resulted in failure of the system." (Page 4 of Initial Study)*

### **Planning error in the baseline date of the Negative Declaration**

Planning has made a significant misapplication of appellate case law in declaring a Negative Declaration. While CEQA does allow the date of notification in determining the baseline condition, this case refers to a situation where violations of zoning and other regulations had be occurring for a considerable time. The Initial Study states on Page 3:

*"In Fat v. County of Sacramento (2002), 97 Cal.App.4th 1270, (citing Riverwatch v. County of San Diego (1999) 76 Cal.App.4th 1428) the court found that the County's preparation of a negative declaration was not erroneous because it was based on the existing environmental setting that included previously constructed unlawful uses. The court in Riverwatch stated that "in general preparation of an EIR is not the appropriate forum for determining the nature and consequences of prior conduct of a project applicant." Riverwatch at 1452. In other words, the level of activity and associated environmental impacts resulting from the illegal establishment of a land use may be considered baseline conditions against which the significance of project impacts should be considered. Therefore, the baseline conditions for this project include the level of activity and associated environmental impacts in existence on March 1, 2023, at which time an early consultation project referral was sent to potential trustee, responsible, and interested agencies to inform them..."*

Using the baseline of March1, 2023 is a misreading of the applicable Appellate Court decision.

*"The sole issue in Fat, supra, 97 Cal. App. 4th 1270 was whether the county had abused its discretion in considering the physical conditions that existed in 1997 when the application for a conditional use permit was submitted, rather than in 1970 when CEQA was enacted, as the baseline for its initial study."*<sup>1</sup> *Lawpipe.com Legal Research, Online Legal Research Tool. [https://www.lawpipe.com/California/Fat\\_v\\_County\\_of\\_Sacramento.html](https://www.lawpipe.com/California/Fat_v_County_of_Sacramento.html) Accessed August 18, 2023.*

The applicant had been violating the zoning and use permit since at least 2017 and only submitted an application for a zoning change on September 13, 2021, not March 1, 2023

*"In 2017, by letter the Shasta County Department of Resource Management informed the applicant of these issues, the need to come into compliance with the PD ordinance, and the need to address other Building, Environmental Health, and Fire Department concerns regarding uses, structures, facilities, and utilities that had been developed and operated contrary to the PD ordinance and other applicable requirements. It was the applicant's position that all uses, structures, facilities, and utilities that were the subject of the letter met the intent of the PD as they are typical of businesses engaged in what is commonly referred to as agritourism or agritainment. On this basis, and to address the land use and zoning issues described in the 2017 letter, the applicant filed an application in 2021 to amend the zoning of the property."*

Based on my reading of the court decision, Planning erroneously applied the appellate decision. Because of the ongoing violations, the date of the application should be used for the baseline conditions. Below is the concluding decision in *Fats vs County of Sacramento* with the Appellate court decision to use the applicant's *application date* as the baseline date to consider the current environmental conditions. (To summarize, the Appellate Court was considering many violations of a private airport's use permit and established the baseline as the *application* date for the county to consider the baseline for environmental conditions.) Shasta County has not done that but used the arbitrary date it decided to notify relevant agencies contrary to the case law it cited.

Citation from the conclusion of the Appellate Court decision with emphasis added:

*"Second, there is substantial evidence to support the County's decision to use the 1997 baseline under the general rule set forth in section 14:15125, subdivision (a) of the Guidelines. The area surrounding the Airport remained largely agricultural with a low population density. The ALUP conducted an environmental review of Airport operations in 1992 in connection with a proposed amendment to the Airport CLUP. It adopted a negative declaration, which was not challenged. Although the Airport developed over a period of nearly 30 years without County authorization, there was evidence of environmental damage during that period, and the Airport had been the subject of at least two zoning enforcement actions, the Pilots finally applied for the CUP in 1997 to resolve its lengthy dispute with the County. County could reasonably view the Pilots' application as an opportunity to bring the Airport development under some level of County supervision for the first time."*<sup>22</sup> *Case Text.com*  
<https://casetext.com/case/fat-v-sacramento-county> Accessed Aug 18, 2030.

Therefore, it appears the Planning Department misapplied the baseline date not as the application date, but used an arbitrary date, March 1, 2023, the date various agencies were notified. Using the logic of the Planning Department, the baseline date could have been established a year, two or three years later, whenever the County completed the Initial Study. This is based on the above court ruling to bring many corrections of violations of zoning up to code.

**The Initial Study is inadequate and a Mitigated Negative Declaration or full Environmental Impact Report should be developed.**

The change in zoning and the enlargement of the area to be developed by what the County calls "agritainment" covers a much larger area than the original PD zoning. The original permitted PD covered 38 acres and has been expanded to 145 acres. This is almost four times the original area and it extends into the flood zone and riparian areas of the Sacramento River which has federally listed salmon. At a minimum, a Mitigated Negative Declaration should be prepared so all possible negative effects to the environment could be properly determined.

In 2006, when granting Hawes et al a zoning change and permit, a Mitigated Negative Declaration was declared and an Initial Study with a Biological Survey was prepared for only two parcels totaling 38.8 acres. The County's position now is that as this is now agricultural land, ipso facto and no CEQA surveys are required on the entire 143 acre project.

**IV. BIOLOGICAL RESOURCES:**

The project boundaries extend into the floodplain and the riparian areas. How does the county know there will be no significant environmental effects on the federal and state protected salmon, various birds including Bald Eagles or rare plants if no survey has been conducted. The county's only rationale is there are driveways and footpaths in the woodland.

Because of the large increase in the area of the Planned Development for “agritainment” and the proximity of several federally protected species in the area, specifically Bald Eagles and various runs of salmon a biological survey needs to be done in regards to these species. Below is the statement of Marily Woodhouse a raptor rescue and rehabilitation specialists in the area.

*“I hold State and Federal permits to perform raptor rescue and rehabilitation. I've cared for hundreds of raptors and thousands of songbirds over the past 10 years. I've lived in Shasta County for over 34 years and have traveled Dersch Road to Deschutes Road frequently for that time, so am extremely cognizant of the species that live in the open and riparian areas there. That makes it especially important that the area is not impacted by significant adverse effects in the form of noise, more traffic, and the many other disturbances that an influx of hundreds or thousands of additional people will cause in a quiet rural area.*

*To the east of the Hawes store 0.5 of a miles is the bridge over Cow Creek. There is a bald eagle nest several hundred feet to the south of the bridge. The Sacramento River bridge is 0.9 mile to the south. There is another bald eagle nest to the west of that. I have also seen red-tail and red-shoulder hawks numerous times on Dersch and Deschutes Road near the project area over the years, as well as great horned owls, kestrels and others. There are innumerable numbers of non-raptor species also. All of these species are important to the ecological health and function of the area. The majority of raptors we rescue and rehabilitate are injured by vehicles. National organizations put the figure above 60%. That figure is true for us. Most of the birds we see who have impact trauma are irreparable. Increasing the traffic on Dersch and Deschutes Road will only make it more likely that raptors, who are protected by many state and federal laws, will suffer and die. The noise disturbance from traffic and carnival sounds will increase their stress level, which weakens their health and can cause their nests/offspring to fail or cause the adults to abandon their nests and territories altogether. It appears no survey of existing nests by raptor specialists has been conducted for this project.*

*“Judging by the many dead individuals of numerous species of wildlife who are often on the roadsides in the corridors near the Cow Creek bridge and the Sacramento River bridge, there are serious impacts to wildlife populations already occurring. This project will add to the significant cumulative impacts, and fails to provide the legally required analysis of existing and potentially increased impacts.” Marily Woodhouse, Director Defiance Canyon Raptor Rescue*

The Initial Study states:

*“No species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service are known to occur at the project site.” (Page 13 of Initial Study)*

If a biological survey has not been done on the project site, how does the County know no special species exist on the project site? We have a statement of a state and federally permitted raptor rescue and rehabilitation specialist stating that protective and sensitive species are known to be in the area, how does the County know none are on the project site?

A thorough biological survey needs to be taken of all areas in the proposed area of the project including for the previously approved 38 acres in a PD zoned area.

## **XI. LAND USE AND PLANNING**

The proposed amusement park will conflict with the area zoning and divide the neighborhood. Planning states that previous events had held between 3,000 and 10,000 people, a significant amount of people that will be attending events at the project. The project will not blend in with the Rural Residential zoning in the area.

**The project will be in violation of C-R Zoning Ordinance as proposed.**

*Chapter 17.50 - COMMERCIAL RECREATION (C-R) DISTRICT*

*§*

*§ 17.50.010 - Purpose.*

*The purpose of the commercial recreation (C-R) district is to provide opportunities for the development of privately owned land for commercial recreational activities which need or utilize, and provide for the enjoyment of, the natural environment. **This district is consistent with all general plan designations, if the proposed use blends harmoniously with the natural features of the surrounding area.***

An amusement park with rides will not blend in with the natural features of surrounding area.

### **XIII. NOISE**

The Initial Study make the following statements about noise:

*“The current PD zone district includes noise limits established by the Shasta County General Plan. The General Plan Noise Standard for non-transportation noise sources is 55 dB hourly Leq daytime (7:00 a.m. to 10:00 p.m.), and 50 dB hourly Leq nighttime (10:00 p.m. to 7:00 a.m.). The PD standards provide that if a noise complaint is received and it is verified that the noise limits may be exceeded, the Director or Resource Management shall require the applicant submit a professional acoustic analysis which the Director may require be prepared by a third party at the applicant’s expense. If the professional acoustic analysis determines that noise limits are exceeded, the applicant would be required implement sound attenuation measures recommended by the analysis. To date, the Department has not received noise complaints regarding the use of the subject property. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue in the same general manner and the C-R development standards would include the same or similar noise related development standards as the current PD.”*

*“While many of the amusement rides were present and/or installed at the property before March 1, 2023, one or more were not operational and when in operation would be a new potential new source of noise that could impact sensitive uses nearby, including several single-family residences across Deschutes Road from the project site. **Information on noise generated by the amusement rides is not available.** Given the relatively small scale of the amusement rides proposed for operation and the distance between the project site and sensitive receptors, the proposed operation of the amusement rides is not expected to generate excessive noise. The PD standards regarding noise would be incorporated in the proposed C-R development standards and would be applicable to all amusement ride operations.” (Taken from the Initial Study)”*

The County states above: **Information on noise generated by the amusement rides is not available.** A simple Google search turned up a number of studies of noises from amusement parks, a few from the first page of a Google search are listed below with relevant quotes.

**Community noise from theme parks** [Ted N. Carnes](#) The Journal of the Acoustical Society of America



- “...Defining outdoor noise criteria for the parks is often done for you by the local municipality zoning and building officials. Thus, one can use sound-modeling techniques to determine potential problems before the parks are built or expanded. “  
[https://pubs.aip.org/asa/jasa/article/108/5\\_Supplement/2580/545412/Community-noise-from-theme-parks](https://pubs.aip.org/asa/jasa/article/108/5_Supplement/2580/545412/Community-noise-from-theme-parks) (Accessed August 19, 2023)

***A Study of Noise Exposure A Study of Noise Exposures for Amusement P es for Amusement Park Emplo ark Employees by Positions and Ride Categories*** Danielle M. Dao University of South Florida  
<https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=10532&context=etd>

- “... Kramer’s thesis focused only on sampling for noise at outdoor carnivals. Because carnivals are a temporary operation that are completely outdoors, there may be differences in noise exposures compared to indoor, permeant amusement parks. The study found personal dosimetry collected on 20 employees where they operated only one carnival ride during the study. Results of the study found that 80% exceeded the OSHA action limit. (Kramer, 2014)

. Lavg thresholds typically follow the settings of OSHA’s Hearing Conservation Amendment with the use of 80 dB threshold and an exchange rate of 5 dB (OSHA, 2013).”

***Noise levels of amusement ride operators*** Lynn R. Gilbertson et al National Institute of Health <https://pubmed.ncbi.nlm.nih.gov/27754825/>

18% of rides measured had projected noise levels greater than American Conference of Governmental Industrial Hygienists recommendation of 85 dB.

Zero decibels (0 dB) is the quietest sound audible to a healthy human ear. From there, every increase of 3 dB represents a doubling of noise intensity. For example, noise measured at 88 dB(A) is double the intensity of noise measured at 85dB(A).

***Noise from amusement park attractions: Sound level data and abatement strategies*** Christopher W. Mengea)  
<https://www.ingentaconnect.com/content/ince/ncej/1999/00000047/00000005/art00002?crawler=true>

The county must also consider the significant negative affects of the sound of people’s voices during the CEQA process based on two recent, 2023 Appellate Court decisions.

*In Berkeley Hillside, supra*, 60 Cal.4th at p. 1122

*In the case of Adams Heritage Association vs. the City of Los Angeles on April 10, 2023 “ A ruling by the Second Appellate Court filed Thursday reversed a determination by the Superior Court of Los Angeles that the housing development was exempt from environmental review under the California Environmental Quality Act. The ruling specifically cites the First Appellate Court’s decision in Make UC a Good Neighbor v. Regents of University of California, which determined that “crowds of people talking, laughing, shouting, and playing music” may significantly impact a project’s environment, particularly neighbors of the development.” CalMatters*  
<https://calmatters.org/housing/2023/08/ceqa-noise-pollution/>



The Berkley case referred to above is Berkeley Hillside, supra, 60 Cal.4th at p. 1122 and the case was decided in February 2023 which involved noises from loud student parties. In both cases appellants were awarded court costs and legal fees.

Furthermore, the Initial Study has indicated that go-kart rides will be included in the plan. The County must study the decibel level of noise this entertainment will create.

For the above reasons this project should be rejected until a proper Initial Study or an EIR is prepared.

1. The project appears to be in contradiction with the definition of a C-R zone district, its use does not blend(s) harmoniously with the natural features of the surrounding area.
2. The Planning Department place an erroneous baseline of March 1, 2023, whereas it is in actuality September 13, 2021 when the applicant first applied for a zoning change and new use permit.
3. Because of the extensive area of the project, studies on Noise, Biological Resources, Air Pollution, Greenhouse Gases, Light Pollution must be completed. The division of a neighborhood zoned Rural Residential and a Commercial Recreation Zone with require landscaping and fencing required and divide the neighborhood.
4. The project will result in a change in the neighborhood as current residents tire of the noise and traffic with and an amusement park next door sell their properties. New owners will apply for variances and zoning changes to service the increasing crowds that will visit a 143-acre amusement park. Within 10 years, this area could be dramatically changed.

Sincerely,

David Ledger

dsledger49@gmail.com



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



August 17, 2023

Lio Salazar, Planning Manager  
Shasta County Resource Management  
1855 Placer Street Suite 103  
Redding, CA 96001  
[scplanning@co.shasta.ca.us](mailto:scplanning@co.shasta.ca.us)

**SUBJECT: REVIEW OF ZONE AMENDMENT 21-0002, STATE CLEARINGHOUSE  
NUMBER 2023070442, SHASTA COUNTY**

Dear Lio Salazar:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Negative Declaration (ISND) dated July 2023, for the above-referenced project (Project). CDFW appreciates this opportunity to comment on the Project, pursuant to the California Environmental Quality Act (CEQA) Guidelines<sup>1</sup>.

**CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish and Game Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), or state-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish and Game Code § 1900 et

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Lio Salazar, Planning Manager  
August 17, 2023  
Page 2

seq.) authorization as provided by the applicable Fish and Game Code will be required.

### **Project Description**

The Project, as described in the ISND, is as follows:

*“The project is a zone amendment that proposes to amend the 2016 [Planned Development] (PD) text and Conceptual Development Plan as it relates to APN 057-190-031, which is occupied by the retail/wholesale farm supply store and parking for the agritourism/agritainment area, and to change the principal zone districts of APNs 057-190-036, 057-190-037, 057-190-041, and 057-190-040 from PD and [Limited Agriculture] to [Commercial-Residential] (no change is proposed to the combining districts for these APNs, including to the limit of the F-2 and F1 zoning present within the southern portion of the project site, the Building Site (B) zone districts applicable to APNs 057-190-037 and 057-190-041, and/or the Interim Mineral Resource (IMR) zone district applicable to APN 057-190-041).”*

### **Comments and Recommendations**

CDFW offers the comments and recommendations below to assist Shasta County in adequately identifying, minimizing and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. After thorough review of the ISND, CDFW concludes that the ISND does not provide a well-supported explanation for its conclusion that this Project *could not* have a significant effect on the environment. CDFW recommends including additional details and supporting actions to be included in the Project Description, and to complete a more thorough analysis in the Biological Resources and Noise sections to provide adequate justification for this determination.

CEQA Guidelines require that the Initial Study includes “all phases of project planning, implementation, and operation” [Cal. Code Regs., tit. 14, § 15063, subd. (a)(1)]. In addition, an ND must include a brief description of the project and project location [Cal. Code Regs., tit. 14, § 15071, subds. (a) and (b)]. “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (Cal. Code Regs., tit.14, § 15378).

The ISND biological resource section states, *“There is little natural habitat uninfluenced by human activity left on the site. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands that have resulted in the present disturbance and human influence on natural habitat at the project site would continue, including within riparian and wetland habitats present within the project site. No species*

Lio Salazar, Planning Manager  
August 17, 2023  
Page 3

*identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service are known to occur at the project site. The proposed project would not involve significant habitat modification as construction of proposed improvements described in the project description would take place previously within previously disturbed areas and would not require tree removal, impact wetland habitats present within the project site through direct removal, filling, hydrological interruption, or other means, interfere with any native resident or migratory fish or wildlife species, nor impede the use of native wildlife nursery sites, and/or would not conflict with any ordinances or policies which protect biological resources. There are no adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plans for the project site or project area."*

CDFW does not concur that this information, as it is detailed above and presented in the ISND, adequately supports a determination of *Less Than Significant Impacts* and *No Impacts*. While CDFW agrees that the Project would not involve significant habitat modification beyond what has already occurred, sensitive resources and habitats have been previously modified without the appropriate level of study, analysis, and notification.

The Project area occurs adjacent to two waterways, the Sacramento River and Stillwater Creek, both known to have state-listed anadromous fish. Habitat within the Project area may serve as foraging habitat for several birds of prey known to occur in Shasta County. Riparian habitat associated with the Sacramento River and Stillwater Creek may serve as suitable nesting, foraging and dispersal habitat for countless migratory birds. Additionally, based on the Project Description in the ISND, the Project area may contain wetland features. The Sacramento River, and its surrounding habitats, support a rich diversity of wildlife and ecosystems. CDFW encourages Shasta County to include a more comprehensive assessment and summary of potential effects on the biological resources known to occur, and to include pertinent details as to how Project activities *could not* have a significant effect. Such assessment and summary may include specific action of which would minimize potential impacts such that *Less Than Significant Impacts* or *No Impact* may be justified.

Specific details appear to be omitted from the ISND, of which would lend a more comprehensive review of the Project activities actively occurring/proposed. For example, the proximity in which Project activities may occur in relation to The Sacramento River, Stillwater Creek, and their associated riparian habitat is unclear from both the Project description and supplemental mapping. Project activities are likely to increase ambient noise and artificial light of the Project area, which are known to alter the behaviors of wildlife. CDFW strongly recommends including the distance in which Project activities occur/will occur from each watercourse, and

Lio Salazar, Planning Manager  
August 17, 2023  
Page 4

any pertinent actions that will be implemented to reduce any potential impacts to less than significant. Such actions may include noise and artificial light attenuation systems and limited operating periods, among others.

CDFW recommends clarifying additional details to include where wetlands occur throughout the Project area and what Project activities are occurring within or adjacent to wetlands. CDFW strongly discourages disturbance, staging and/or development in wetlands. Due to severe decline of wetlands throughout the state, CDFW has established a “no net loss” policy regarding wetland habitat<sup>2</sup>. Project activities within or adjacent to wetlands should be avoided to the maximum extent possible. If unauthorized activity pursuant to County zoning has been found to have previously occurred in or adjacent to wetland habitats, such activities should be remediated prior to Project approval. If Project activities are occurring within or adjacent to wetlands, and such wetlands are determined to be hydrologically connected to the Sacramento River or Stillwater Creek, notification pursuant to Fish and Game Code 1600 may be required. Wetland features also fall under the jurisdiction of the United States Army Corps of Engineers and the Regional Water Quality Control Board, as highlighted in their comment letter dated March 2023.

#### Lake and Streambed Alteration Agreement

The ISND describes activities that are occurring/may occur within the bed, bank or channel of Stillwater Creek and/or the Sacramento River; therefore, a notification to CDFW pursuant to Fish and Game Code section 1602 may be warranted. Fish and Game Code Section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

1. substantially divert or obstruct the natural flow of the bed, channel, or bank of any river, stream, or lake; or
2. substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
3. deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

To obtain information about the 1600 Notification process, please access CDFW's website at: <https://www.wildlife.ca.gov/Conservation/LSA>.

#### Mapping

Some mapping appears to be omitted from the ISND, including a complete map of the “Enlarged Site Plan”. Such maps will lend a more comprehensive review of the Project activities proposed. Additionally, the “Overall Site Plan” map indicates “Solar” on the south side of the Project area. It is unclear if solar will be included as part of the Project and if so, such activities should be included and evaluated in the

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<sup>2</sup> Fish and Game Commission Wetlands Resources Policy; Amended 08/18/05

Lio Salazar, Planning Manager  
August 17, 2023  
Page 5

environmental document.

We appreciate the opportunity to offer comments and recommendations that may assist Shasta County in adequately analyzing and minimizing impacts to biological resources. If you have any questions, please contact Erika Iacona, Senior Environmental Scientist (Specialist), by email at [R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
132FDFECF23F4FD...

Jason Roberts for  
Tina Bartlett, Regional Manager  
Northern Region

cc: State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Erika Iacona  
[R1CEQARedding@wildlife.ca.gov](mailto:R1CEQARedding@wildlife.ca.gov)



September 19, 2023

Lio Salazar, Planning Division Manager  
Shasta County Department of Resource Management, Planning Division  
1855 Placer Street, Suite 103  
Redding, CA 96001

**SUBJECT: Zone Amendment 21-0002 Hawes River Acres, Et al. Project**

Dear Mr. Salazar,

Area West Environmental, Inc. (AWE) is writing in response to comments received regarding the above-referenced project. Shasta County circulated a Draft Initial Study/Negative Declaration for the Zone Amendment 21-0002 Hawes River Acres, Et al Project (Project). Several letters expressing concerns regarding biological resources at the Project site were received during the public comment period that began on July 21, 2023. This letter is intended to provide information regarding biological conditions at the Project site.

### **Project Location**

The Project site is located at the southeast corner of the intersection of Dersch Road and Deschutes Road at 6171 Deschutes Road, 6465 Deschutes Road, and 21945 Dersch Road, Anderson California 96007 (mail is received at 21923 Dersch Road) (Figure 1). The Project site encompasses several Accessor's Parcel Numbers (APNs) including 057-190-031, 057-190-036, 057-190-037, 057-130-041, and 057-190-040. The Project site totals approximately 145.34 acres (Figure 2).

### **Methods**

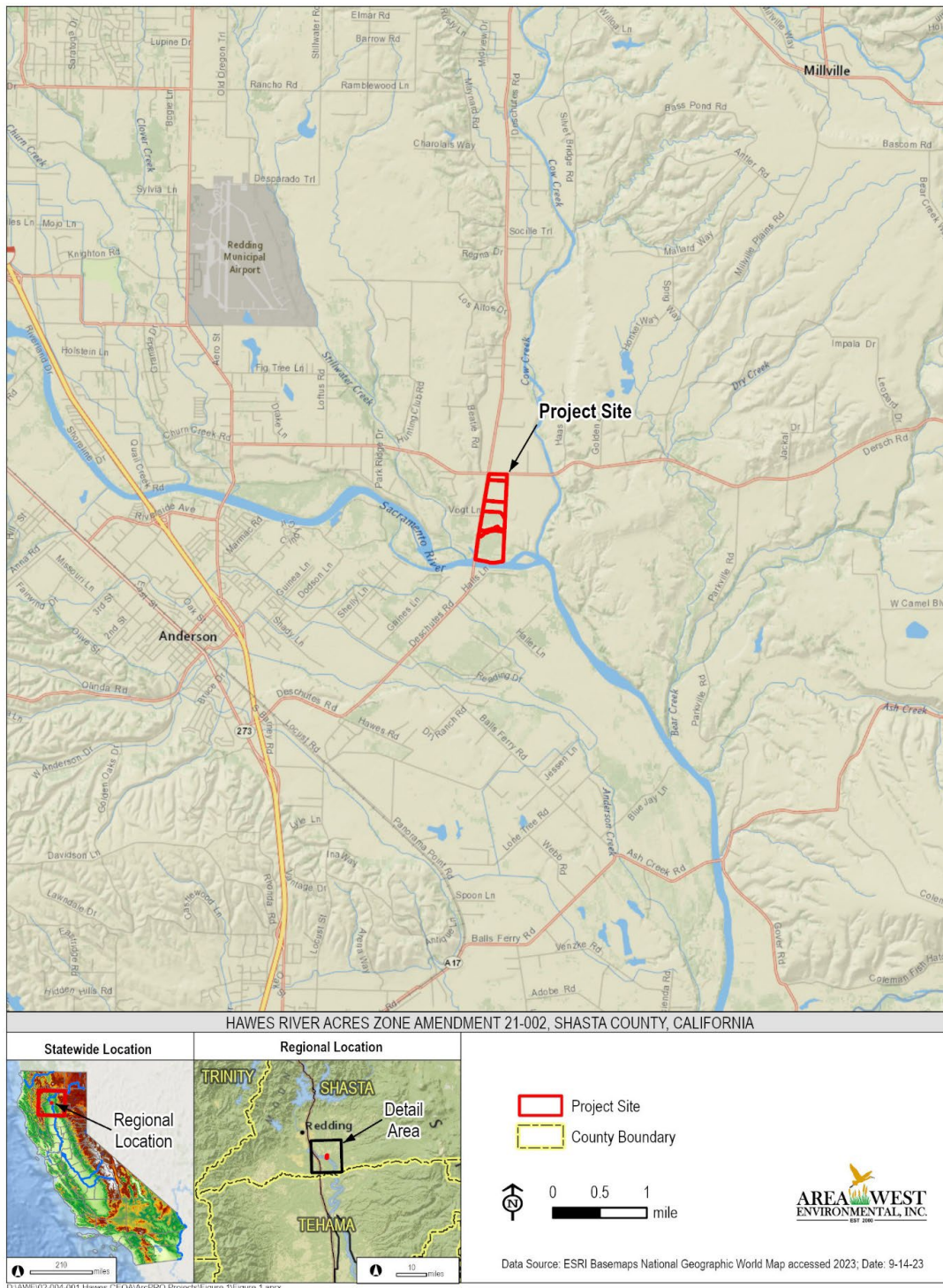
This section describes the methods used in the preparation of this letter and includes a list of resources reviewed as well as field survey dates and personnel.

Prior to conducting the field survey, available information regarding biological resources with potential to occur within the Project site was gathered and reviewed. Several data sources were reviewed including:

- A records search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) for a 1.0-mile radius surrounding the Project site.
- A species list from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool for the Project site.
- Studies prepared for the Project site and vicinity including a Delineation of Aquatic Resources prepared in 2014 by Helm Biological Consulting.

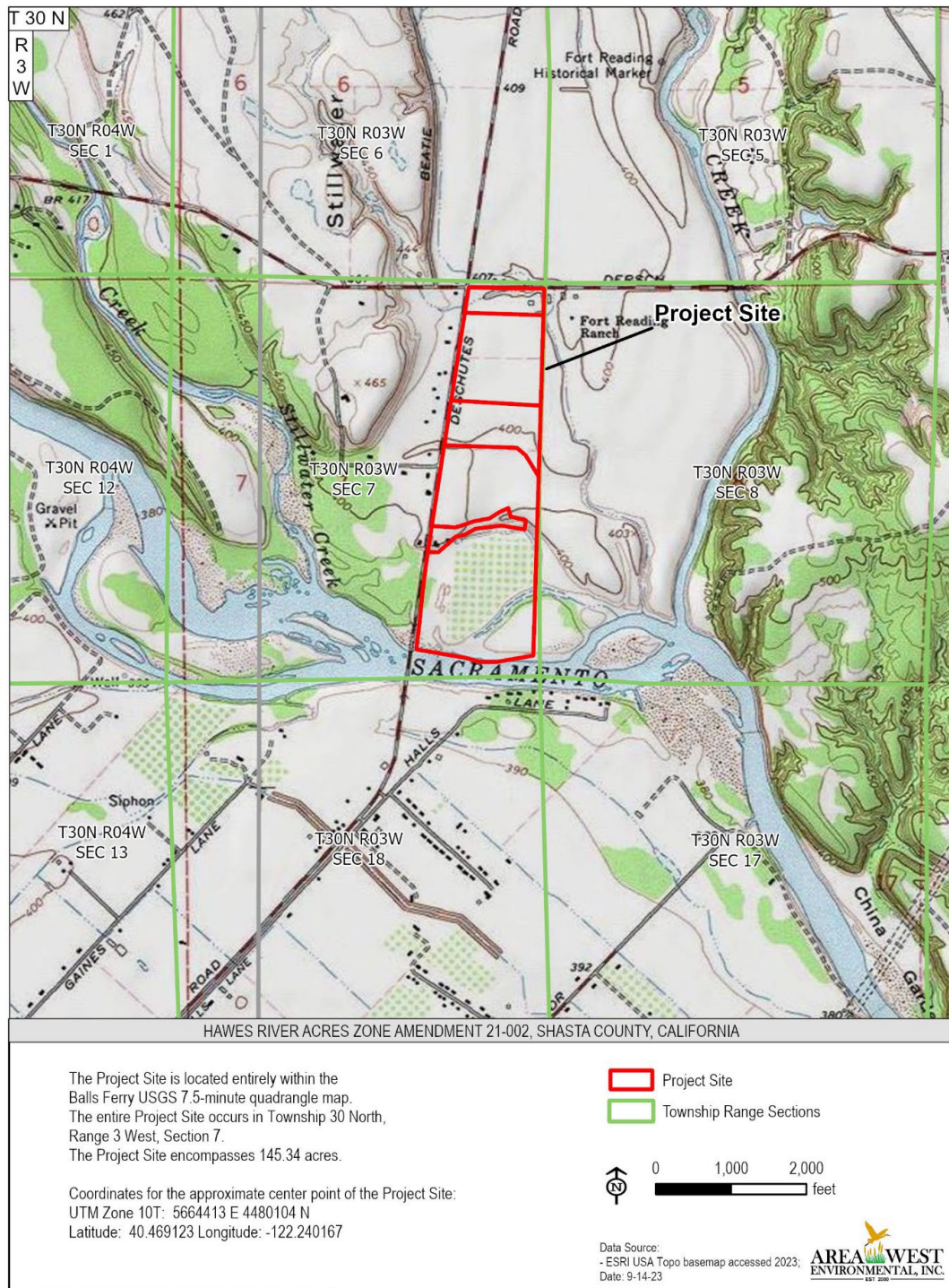
A biological field survey was conducted on September 8, 2023, by AWE biologist Matt Rogers. The field survey focused on describing and mapping habitats present within the Project site, identifying special-status species occurrences, if present, and conducting an assessment of habitat





**Figure 1 – Project Vicinity**





**Figure 2 – Project Location**

type suitability to support special-status species. Mr. Rogers walked meandering transects throughout the Project site and mapped all habitats present. A description of the habitats present onsite is included in existing conditions. Special-status species identified during pre-survey investigation as having potential to occur were targeted during the field survey. Plants and wildlife observed during the biological survey were identified to the extent necessary to determine if it has any legally protected status. Habitats found onsite were assessed for the potential to support the targeted special-status species.

## **Project Description**

The Project involves the amendment of the PD zone district text and conceptual development plan (CDP) for an approximate 8.25-acre parcel to allow a proposed reader board type sign and the continuation of parking for agritourism/agritainment uses on adjoining land. The Project will amend the principal zone district for four parcels totaling 137.09 acres from the PD and A-1 zone districts to the C-R zone district to allow for continuation of agritourism/agritainment uses through the adoption of the proposed C-R zone district text and CDP which would define, clarify, recognize, and establish allowable agritourism/agritainment uses, allowable improvements, and applicable regulations and standards. Additionally, the proposed C-R zone district text would increase the maximum structural height limit for amusement rides, clarify and modify hours of operation, provide for overflow parking, provide for overnight lodging, clarify lighting standards, clarify driveway access requirements, clarify applicable safety standards, and clarify food facilities standards as they relate to permissible agritourism/agritainment uses. No changes are proposed to the Designated Flood and Restrictive Flood combining districts within the southern portion of the Project site, the Building Site combining districts applicable to ANPs 057-190-037 and 057-190-041, and the Interim Mineral Resource combining district applicable to APN 057-190-041.

As mentioned, the Project would expand the existing agritourism and agritainment activity area, and limit agritourism and agritainment activities on the southern portion of the Project site to those that can be conducted in orchard or field or within existing roads through annual grassland within the riparian areas without new permanent improvements such as weddings, civil war reenactments, mud runs, etc. These events would be conducted with or without the use of temporary event tents, trellises, lighting, etc.

## ***Agritainment and Agritourism Uses***

The proposed C-R zoning text defines agritainment and agritourism and includes a list of potential agritainment and agritourism activities that could take place within the Project site. This list is not comprehensive but includes and is not limited to harvest festivals and fairs, barn dances, weddings, anniversary parties, concerts, dances, music festivals, petting zoo, runs, walks, and races, hunting and working dog trials, hay rides, reenactments, theme park activities with agricultural theme, farms stays, farm vacations, corporate retreats, guest house, bed and breakfast, camping, dry RV hookups, brewery and/or winery/distillery, farm themed children play areas, children's discovery farms, food and drink, picnicking tents, amusement rides, livestock shows, rodeos, and other

special events, haunted forests, haunted corn maze, haunted rides, school tours, agricultural/environmental education center, education and interpretive seminars, clinics, tours, youth camps, field days, u-pick operations, roadside stands, wine/beer and/or food tasting, cooking demonstrations, and similar uses that involve direct and active observation, participation, consumption, etc. of agricultural uses and similar uses.

Agritainment and agritourism uses on the southern portion of the Project site are anticipated to involve temporary structures and the C-R zoning text dictates these temporary structures are removed within 5 days of the event. A vast majority of these uses would occur within the orchard area and fields with several potentially occurring in other developed areas of the southern portion of the Project site such as mud runs, walks, weddings, etc. These activities occurring near riparian habitat would be short duration lasting less than a day and, in most cases, only several hours. For example, a mud run might occur on the existing roads/trails and would last approximately 3 hours.

Concerts and music festivals would take place in the agricultural fields and incorporate strategic placement and orientation of the stage(s) to reduce noise impacts on sensitive receptors such as adjacent residences and sensitive biological areas (i.e., riparian habitat, nesting bald eagle). It should be noted that under historic (for at least the last 50 years) and existing conditions, these agricultural fields are subject to regular disturbance throughout the year and adjoining habitats are subject to noise from these regular farming activities throughout the year, including during migratory bird breeding season (February through August).

The Project may incorporate the planting of native tree species (i.e., valley oak, interior live oak, etc.) along the eastern and western boundaries of the Project site to create a vegetated buffer.

The Project does not involve any tree or shrub removal in the riparian areas of the Project site.

### **Environmental Setting and Existing Conditions**

The Project site is located in Shasta County within a rural portion of the County approximately 3 miles east of Anderson, California. The topography within the site is generally flat with a slight south to southwest aspect that drains towards the Sacramento River. The elevation within the Project site is approximately 400 feet above mean sea level. Surrounding land uses include rural single-family residences and farmland to the north, the Sacramento River to the south, agricultural land to the east, and single-family residences to the west. The northern portion of the Project site contains a number of buildings used for the Hawes Ranch Feed Store, as well as permanent and temporary structures associated with the previously approved Planned Development zoning ordinance and associated conceptual development plan that was adopted in 2006. Additionally, several amusement rides are found in the northern portion of the Project site. Farm roads are found throughout the Project site allowing access to much of the Project site. Generally, these roads are approximately 8-12 feet wide and comprised of dirt or gravel.

### ***Existing Agritainment Uses***

For over 15 years the northern portion of the Project site has hosted a Fall Festival where members of the community can pick pumpkins, ride small amusement rides, eat food from mobile food vendors, etc. Additionally, events such as weddings, fundraisers, and concerts have occurred within the Project site. Events typically occur over 1 to 4 days, primarily Thursday through Sunday, and from 1 to 4 times a month from spring through Christmas with the fall season being the busiest.

### ***Existing Agricultural Uses***

Much of the Project site is actively farmed with activities occurring throughout the year whether that be planting, harvesting, field leveling, fertilizing, soil amending, etc. The northernmost portion of the parcel adjacent to Dersch Road contains the Hawes Ranch Feed Store and associated structures containing products and equipment.

Agricultural fields found in the northern portion of the Project site are typically planted with annual flowers (sunflowers and zinnias), corn, pumpkin, and watermelon. Annual flowers are planted in the spring and harvested in the fall (September and October), corn is planted in the spring/summer and utilized for mazes in the fall (October), pumpkins are planted in the late spring (May) and harvested in fall (September/October), and watermelons are planted in the spring and harvested in the summer. In November, a grain crop is planted, such as wheat, and is harvested in May or June, just prior to planting the corn, pumpkins, flowers, watermelons, etc.

In the middle portion of the Project site is an active English walnut orchard. This orchard is towards the end of its productive life span; however, it is still harvested in mid to late October. Composting occurs in March or April and is sprayed occasionally from March through late summer and before harvest.

In the southern portion of the Project site there is a large field that is used for annual crops such as hay or grasses for animal feed. This field is planted in the winter months November/December and harvested in June. In some years it is replanted in July and harvested again in September and October. Harvesting this field can take between 7-10 days with cutting, raking, bailing, stacking, and hauling the hay off the field.

An existing farm stand where produce is sold to the public is present along the western boundary of the Project site and is accessible from Deschutes Road.

An existing water pump is found near the southern boundary of the Project site. This pump feeds water into the system that is used to water most of the fields and orchards found onsite. Access to this pump is from existing dirt roads. During the summer this pump is turned on and off many times a day depending on the watering schedule. Additionally, a generator is present that is used to power the pump during peak electricity hours. Yearly, heavy equipment is utilized to remove the pump and perform maintenance activities to ensure the system is working correctly. In the event the pump malfunctions or breaks during the year, heavy equipment is utilized to remove the pump and perform repairs.

### ***Habitats***

Habitats found within the Project site include, agricultural, annual grassland, emergent marsh, ephemeral pond, mixed oak woodland, mixed riparian forest, orchard, riparian scrub, seasonal wetland, valley oak woodland, ephemeral drainage, developed-pervious, developed-impervious, agricultural ditch, Sacramento River, and Stillwater Creek. Details regarding the habitats are found below. **Figure 3** depicts the habitats found within the Project site. Representative photos of several habitats are included in this section and are labeled by photo point number which correspond to points on Figure 3.





**Figure 3 – Habitat Map**

### *Agricultural*

As previously mentioned, agricultural habitat is found through much of the Project site. Agricultural habitat onsite includes fields planted with annual row crops such as flowers, corn, pumpkin, watermelon, and hay. These areas are regularly disturbed by agricultural activities and contain no habitat value for special-status species due to the disturbance regime. Wildlife observed included house finch (*Haemorrhous mexicanus*), Eurasian collared dove (*Streptopelia decaocto*), and European starling (*Sturnus vulgaris*).



Photo Point 1 – Agricultural habitat, pumpkin fields facing southeast.

### *Annual Grassland*

Annual grassland habitat is found primarily along the northern boundary of the Project site, sporadically through the central portion, and intermixed with riparian habitat in the southern portion of the Project site. Annual grassland habitat onsite is disturbed containing ruderal and non-native, and invasive annual and forb species. Commonly encountered species include Italian rye (*Festuca perennis*), fox tail (*Bromus madritensis*), ripgut brome (*Bromus diandrus*), johnson grass (*Sorghum halepense*), and medusahead grass (*Elymus caput-medusae*). Commonly encountered forbs include black mustard (*Brassica nigra*), vinegar weed (*Trichostema lanceolatum*), yellow star thistle (*Centaurea solstitialis*), and spikeweed (*Centromadia fitchii*). Wildlife observed included western fence lizard (*Sceloporus occidentalis*) and lesser goldfinch (*Spinus psaltria*).



Photo Point 2 – Annual grassland habitat containing developed farm road. Facing southwest.



### *Emergent Marsh*

Emergent marsh habitat is present primarily in the middle portion of the Project site running east to west and south along the eastern boundary of the site. Commonly encountered species include cattail (*Typha latifolia*), water primrose (*Ludwigia* sp.), and mosquito fern (*Azolla filiculoides*). Common buttonbush (*Cephalanthus occidentalis*) is found on the borders of this habitat type. Wildlife observed included American bullfrog (*Lithobates catesbeianus*).

### *Ephemeral Pond*

An ephemeral pond is present in the southwestern portion of the Project site within the riparian forest near Stillwater Creek. This pond is likely filled with floodwater from Stillwater Creek and the Sacramento River.

### *Mixed Oak Woodland*

Mixed oak woodland is found surrounding the emergent marsh in the central portion of the Project site. Mixed oak woodland contains a canopy of valley oak (*Quercus lobata*) and interior live oak (*Quercus wislizeni*) with shrub species in the midstory including blue elderberry (*Sambucus nigra* ssp. *caerulea*) and California buckeye (*Aesculus californica*). The understory is primarily dominated by Himalayan blackberry (*Rubus armeniacus*). Several blue elderberry shrubs (*Sambucus nigra* ssp. *caerulea*) were observed in this habitat. Wildlife observed included American goldfinch (*Spinus tristis*), Nuttall's woodpecker (*Picoides nuttallii*), and California scrub-jay (*Aphelocoma californica*).

### *Mixed Riparian Forest*

Mixed riparian forest is found along the southern portion of the Project site adjacent to the Sacramento River. The canopy within this habitat is comprised of Fremont cottonwood (*Populus fremontii*), western sycamore (*Platanus racemosa*), and Goodding's willow (*Salix gooddingii*) with a dense midstory of arroyo willow (*Salix lasiolepis*), box elder (*Acer negundo*), and black walnut (*Juglans hindsii*). The



Photo Point 3 – Mixed riparian forest habitat facing northwest.

The understory is comprised of Santa Barbara sedge (*Carex barbarae*), mugwort (*Artemisia douglasiana*), with large patches of Himalayan blackberry. Wildlife observed included spotted towhee (*Pipilo maculatus*), house wren (*Troglodytes aedon*), Bewick's wren (*Thryomanes bewickii*), California towhee (*Melospiza crissalis*), orange-crowned warbler (*Leiothlypis celata*),



bushtit, downy woodpecker (*Picoides pubescens*), California scrub-jay, western fence lizard, and California alligator lizard (*Elgaria multicarinata*).

#### *Orchard*

As previously mentioned, an active English walnut orchard is present in the central portion of the Project site. The canopy is moderately dense as the trees are planted approximately 30 feet apart and the understory is comprised of short annual ruderal grasses that are regularly mowed. A remnant orchard is present between the large agricultural field and the riparian habitat present in the south of the Project site. This



Photo Point 4 – Orchard habitat facing south.

area is regularly disturbed by farming activities and is unlikely to support special-status species. Wildlife observed included European starling, mourning dove (*Zenaida macroura*), and black-tailed deer (*Odocoileus hemionus*).

#### *Riparian Scrub*

A small patch of riparian scrub is found along the eastern boundary of the Project site adjacent to ephemeral marsh. It is comprised of common buttonbush, Santa Barbara sedge, Himalayan blackberry. Wildlife observed included California towhee and house wren.

#### *Seasonal Wetland*

A seasonal wetland is present along an access road in the southern portion of the Project site. This seasonal wetland contains a mix of *Salix* species with curly dock (*Rumex crispis*) and mugwort occurring as ground cover. Wildlife observed included bushtit (*Psaltiriparus minimus*).

#### *Valley Oak Woodland*

Valley oak woodland is found in the southeastern portion of the Project site and is characterized by a near monotypic canopy of large valley oaks with a savannah like understory of annual grassland. Wildlife observed included Nuttall's woodpecker, California scrub-jay, mourning dove, downy woodpecker, oak titmouse (*Baeolophus inornatus*), and western fence lizard.

### *Ephemeral Drainage*

An ephemeral drainage is found in the northern portion of the Project site, adjacent to the area near the Hawes Ranch Feed Store. This drainage flows from the west and travels to the east offsite. It is vegetated below the top of bank with ruderal species with the bed of the channel more sparsely vegetated. Species found within the bed include curly dock and sheep sorrel (*Rumex acetosella*). A showy milkweed plant was



Photo Point 5 – Ephemeral drainage habitat facing east.

found within the banks of this drainage containing monarch butterfly caterpillars. Additional wildlife observed included western fence lizard and lark sparrow (*Chondestes grammacus*).

### *Developed-Pervious*

Developed-pervious habitat is found throughout the northern portion of the Project site. This habitat type is characterized by graveled or compacted dirt surfaces in the developed areas of the site such as parking areas, driveways, grounds within the amusement area, etc. Ornamental planting areas found in the northern portion of the site are included in this habitat type as they are



Photo Point 6 – Developed pervious habitat facing east.

regularly disturbed through herbicide spraying and contain non-native ornamental species. They are considered pervious as water can infiltrate through the surface. Access roads throughout the site are included as they are compacted dirt or gravel. This habitat is regularly disturbed by regular farming activities, vehicle travel, and visitors to the farm. Wildlife observed included Brewer's blackbird (*Euphagus cyanocephalus*), Eurasian collared dove, European starling, and house sparrow (*Passer domesticus*).

### *Developed-Impervious*

Developed-impervious habitat is found throughout the northern portion of the Project site and is comprised of buildings and impervious surfaces such as concrete pads, asphalt parking areas, etc. These impervious surfaces do not allow water infiltration during rain events. This habitat contains limited habitat value for special-status species.



Photo Point 7 – Developed-impervious habitat facing southeast.

### *Agricultural Ditch*

An agricultural ditch is found on the northeastern boundary of the orchard. It is approximately 3 feet wide and conveys water from the agricultural field to the north offsite to the southeast. It is largely unvegetated within the channel with dense Himalayan blackberry on the banks. It contained water during the biological survey as the pumpkin fields to the north were being watered. Wildlife observed included American bullfrog.

### *Sacramento River*

The Sacramento River is found in a small sliver along the southern boundary of the Project site. This perennial riverine habitat is shallow near the bank before getting deep outside of the site. The Sacramento River provides suitable habitat for anadromous fish species including Central Valley steelhead, Sacramento River winter-run Chinook salmon, and green sturgeon.



Photo Point 8 – Sacramento River (perennial drainage) habitat facing south.

### *Stillwater Creek*

A small portion of Stillwater Creek occurs in the southwestern corner of the Project site. This habitat type is perennial riverine.

## **Special-status Species**

Several special-status species were identified on the CNDDDB and USFWS resource lists as having potential to occur in the Project region. The USFWS IPaC list identified 7 federally listed species while the CNDDDB search within 1-mile of the Project site identified 11 federally and state listed species (Attachment A – Species Search Results). One special-status species, monarch butterfly, was observed within the Project site. The following section details the potential for each species to occur within the Project site.

### ***Plants***

#### *Slender Orcutt Grass (Orcuttia tenuis)*

Slender orcutt grass is a federally threatened species. The species only grows in vernal pools on volcanic ash flow and northern volcanic mudflow soils. This species is unlikely to occur within the Project site due to a lack of suitable vernal pool habitat. Therefore, it is unlikely to be impacted by the proposed Project.

#### *Legenere (Legenere limosa)*

Legenere is a California Rare Plant Rank 1B.1 plant which designates it as rare and endangered in California. Legenere is an annual herb found in vernal pools. This species is unlikely to occur within the Project site due to a lack of suitable vernal pool habitat. Therefore, it is unlikely to be impacted by the proposed Project.

#### *Silky Cryptantha (Cryptantha crinita)*

Silky cryptantha is a California Rare Plant Rank 1B.2 plant which designates it as rare, threatened, or endangered in California and elsewhere. Silky crpthantha is an annual herb found in sandy and gravelly creek beds in the northern Sacramento Valley. It can also be found in foothill grasslands in dry, stony, volcanic soils, with little competing vegetation. The species is unlikely to occur within the Project site due to a lack of suitable sandy and gravelly creek bed habitat and lack of volcanic soil. Therefore, it is unlikely to be impacted by the proposed Project.

### ***Insects***

#### *Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus)*

The valley elderberry longhorn beetle is a federally threatened species reliant on blue elderberry shrubs to complete its life cycle. Larval beetles live in stems of blue elderberry before emerging as adults. Adults feed on blue elderberry shrubs and search for mates before laying eggs on the shrubs. Several blue elderberry shrubs were observed within the Project site, primarily along a drainage found in the southern portion of the Project site. These shrubs are of suitable size to support the species. No exit holes were observed on any shrub. The species has a moderate potential to occur within the Project site. The species is not anticipated to be impacted by the proposed Project as it does not include any vegetation removal in areas containing blue elderberry shrubs.



*Monarch Butterfly (Danaus plexippus)*

The monarch butterfly is a candidate species for listing under the federal Endangered Species Act. Monarch butterflies are reliant on milkweed species (*Aesclepias* sp.) for larval development. Showy milkweed (*Aesclepias speciosa*) was found onsite in several locations. 10 monarch caterpillars of varying ages were discovered on a showy milkweed present within the Project site. The occupied milkweed is within a drainage adjacent to developed facilities. Additional milkweed plants were observed in several locations within the Project site occurring in annual grassland habitat. The proposed Project will not impact the species as no activities will occur within this drainage. Additional milkweed plants occurring within grasslands off of developed roads and trails and would not be impacted by the Project.



Monarch caterpillars on milkweed

***Crustaceans***

*Conservancy Fairy Shrimp (Branchinecta conservatio)*

The Conservancy fairy shrimp is a federally endangered species found in vernal pools. This species is unlikely to occur within the Project site due to a lack of suitable vernal pool habitat. Therefore, it is unlikely to be impacted by the proposed Project.

*Vernal Pool Fairy Shrimp (Branchinecta lynchi)*

The vernal pool fairy shrimp is a federally endangered species found in vernal pools. This species is unlikely to occur within the Project site due to a lack of suitable vernal pool habitat. Therefore, it is unlikely to be impacted by the proposed Project.

*Vernal Pool Tadpole Shrimp (Lepidurus packardii)*

The vernal pool tadpole shrimp is a federally endangered species found in vernal pools. This species is unlikely to occur within the Project site due to a lack of suitable vernal pool habitat. Therefore, it is unlikely to be impacted by the proposed Project.

## ***Fish***

### *Central Valley Steelhead (Oncorhynchus mykiss irideus)*

Central Valley steelhead are a federally threatened species occurring in the Sacramento River and its larger tributary rivers and creeks. Central Valley steelhead occur within the Sacramento River and its floodplain during high water events. A small portion of the Sacramento River occurs within the Project site. Additionally, during high water events portions of the site have flooded. The species has a high potential to occur in the portion of the Project site that overlap with the Sacramento River, Stillwater Creek, and portions of the site that flood during high water events. The species will not be impacted by the proposed Project as activities do not occur within the Sacramento River or Stillwater Creek. Additionally, activities would not occur on the site where flooding occurs, during the winter months when Central Valley steelhead may be present in the floodplain.

### *Sacramento River Winter-run Chinook Salmon (Oncorhynchus tshawytscha)*

Sacramento River winter-run Chinook salmon are a federally endangered species occurring in the Sacramento River and its floodplain during high flow events. The species breeds below Keswick Dam in the summer months and requires cold water. Juvenile fish outmigrate during the fall and winter. A small portion of the Sacramento River occurs within the Project site. Additionally, during high water events portions of the site have flooded. The species has a high potential to occur in the portion of the Project site that overlap with the Sacramento River, Stillwater Creek, and portions of the site that flood during high water events. The species will not be impacted by the proposed Project as activities do not occur within the Sacramento River or Stillwater Creek. Additionally, activities would not occur on the site where flooding occurs, during the winter months when Sacramento River winter-run Chinook salmon may be present in the floodplain.

### *Green Sturgeon – Southern Distinct Population Segment (Acipenser medirostris)*

Green sturgeon occur in the Sacramento River and its larger tributaries such as the Feather River and Yuba River. A small portion of the Sacramento River occurs within the Project site. Additionally, during high water events portions of the site have flooded. The species has a high potential to occur in the portion of the Project site that overlap with the Sacramento River and portions of the site that flood during high water events as juveniles will move into the floodplain. The species will not be impacted by the proposed Project as activities do not occur within the Sacramento River or Stillwater Creek. Additionally, activities would not occur on the site where flooding occurs, during the winter months when green sturgeon may be present in the floodplain.

## ***Amphibians***

### *Western Spadefoot (Spea hammondi)*

The western spadefoot is a CDFW Species of Special Concern (SSC). Western spadefoot are typically found in ephemeral aquatic habitats in grasslands where they utilize the ephemeral pools to breed. This is typically vernal pool landscapes in the Central Valley. After adults lay eggs in the

winter months, they retreat to burrows for much of the year. There is low potential for this species to occur onsite as there is no vernal pool habitat present. However, the ephemeral drainage provides marginally suitable habitat for the species in the northern portion of the Project site. The Project does not involve any activities within aquatic resources that may provide suitable habitat for the species, therefore it is unlikely to be impacted by the proposed Project.

### ***Reptiles***

#### ***Western Pond Turtle (Emys marmorata)***

The western pond turtle is a CDFW SSC. It is found in a variety of aquatic habitats throughout California including rivers, creeks, streams, ponds, sloughs, agricultural ditches. Suitable aquatic habitat for the species is found within the Project site including the Sacramento River, emergent marsh habitat, pond habitat, ephemeral drainage, and agricultural ditch habitat. This species is known to use upland habitats for nesting but requires aquatic habitat for feeding. The species was not observed during the biological survey of the Project site.

Although the species has the potential to occur within the Project site, associated Project activities would take place in disturbed agricultural areas and developed farm roads within annual grasslands which are unlikely to support the species. The upland areas adjacent to aquatic resources are primarily disturbed agricultural areas where regular farming activities take place during the nesting season. Western pond turtles may potentially use these disturbed areas in the future but would not be disturbed any differently than they currently are. It is unlikely that proposed activities would result in a change from existing with respect to potential western pond turtle habitat disturbance as Project activity areas are currently farmed and would continue to be farmed in the future. Therefore, it is unlikely to be impacted by the proposed Project.

### ***Birds***

#### ***Bald Eagle (Haliaeetus leucocephalus)***

The bald eagle is a state endangered species. A known bald eagle nest is located along Cow Creek approximately 0.5 miles east of the eastern boundary of the Project site. This is a nesting location that has a history of fledging young. No bald eagle nests are known within the Project site. The known bald eagle nest occurs directly across Cow Creek approximately 350 feet from an active farm that has regular farming activities occurring throughout the breeding season for the species. Concerts have occurred on the Project site in the past with the stage oriented to the west or south away from the nest.

The USFWS developed management recommendations for avoiding bald eagle disturbance as a result of new or intermittent activities proposed in the vicinity of bald eagle nests in 2007 (USFWS 2007). Activities are separated into 8 different categories based on the nature and magnitude of impacts to bald eagles that usually result from the type of activity. The activity type in the USFWS recommendations that most closely resembles Project activities is Category H. USFWS Category H includes loud intermittent noises, including fireworks. The USFWS guidelines suggest avoiding

activities that produce extremely loud noises within 0.5 mile of active nests unless greater tolerance to the activity (or similar activity has been demonstrated by eagles in the nesting area. Additionally, the State of California under Forestry Practices to protect nesting for bald eagle during timber harvest suggests a minimum buffer of 10 acres (equal to an approximately 330-foot radius) (California Code of Regulations 2014).

All Project related activities would occur over 0.5 mile from the bald eagle nest on Cow Creek. This exceeds the USFWS and the California guidance to avoid nesting bald eagle disturbance.

The species is not known to occur within the Project site and Project activities would take place over 0.5 mile from the known nest which exceeds both state and federal recommendations for disturbance buffers. Although Project activities occur beyond federal and state recommended disturbance buffers, concerts or music festivals would strategically orient and place the stage(s) to not face directly toward this known nesting location. The Project may incorporate the planting of native trees along the eastern and western boundaries of the Project site creating additional vegetative buffer. Therefore, the nesting bald eagles are unlikely to be impacted by the proposed Project.

*Bank Swallow (Riparia riparia)*

The bank swallow is a state threatened species found along rivers in the Central Valley and southern California. The species occurs on steep riverbanks in suitable, friable, sandy soils where it digs communal burrows. There may be suitable habitat along the Sacramento River (especially since high flood flows can create habitat in one year), but the Project will avoid the area along the bank of the Sacramento River. Therefore, it is unlikely bank swallow would be impacted by the proposed Project.

*Yellow-billed Cuckoo (Coccyzus americanus)*

The yellow-billed cuckoo is a federally threatened and state endangered species found in riparian forests in the western United States. There is a low potential for this species to occur within the Project site. The mixed riparian forest present onsite is suitable in species composition and structure, however, the amount of habitat present is less than what is typically found in occupied areas along the Sacramento River. Furthermore, the species rarely occurs north of Red Bluff along the Sacramento River as the river becomes more canyon-like lacking the large alluvial floodplains and riparian forests found below Red Bluff. The species is unlikely to occur onsite and therefore is unlikely to be impacted by the proposed Project.

*Birds Protected by the Migratory Bird Treaty Act and California Fish and Game Code*

The natural habitats found within the Project site have the potential to support a wide variety of bird species protected by the Migratory Bird Treaty Act and California Fish and Game Code. A number of species were observed during the biological survey of the site. Protected bird species were predominantly observed within the mixed riparian habitat, valley oak woodland, mixed oak woodland habitats. These habitats are currently subject to noise disturbance during regular farming



activities during the breeding bird season as many of the farming activities onsite take place during the spring and summer. The mixed riparian forest is found adjacent to the existing agricultural water pump which during the spring and summer months, under existing conditions, is regularly checked using heavy equipment, vehicles, and human activity, and turned on and off. Additionally, a generator is attached to the pump for supplemental power supply and often runs in the late afternoon during peak watering season. Trucks and ATVs are used to access this area and regularly drive along the developed farm roads adjacent to this habitat. The large agricultural field found north of the riparian habitat is regularly disturbed as well. Large equipment is used and it is harvested in the summer months where cutting, raking, bailing, staking, and hauling the hay off the field occurs over the course of 7-10 days creating consistent noise disturbance.

Mixed oak forest is predominantly found between the existing orchard and large agricultural field to the south. Both of these agricultural areas are regularly disturbed during the bird breeding season. The orchard is sprayed during the spring and summer and as previously mentioned, the agricultural field is harvested during the summer.

This regular disturbance pattern would be similar or more intense than most of the agritainment activities that are anticipated to occur within the Project site. Additionally, this regular farming disturbance is longer in duration than all of agritainment activities that would occur. For concerts and music festivals that would take place in the agricultural fields, the stage(s) would be strategically placed and oriented to reduce noise directed towards sensitive receptors and sensitive biological habitats that may contain protected birds.

Should you have any questions, please do not hesitate to contact me or Matt Rogers at [becky@areawest.net](mailto:becky@areawest.net) or [mrogers@areawest.net](mailto:mrogers@areawest.net).

Sincerely,



Becky Rozumowicz-Kodsuntie  
Senior Biologist

Attachments  
Attachment A – Species Search Results

AWE #02-004-001

## Attachment A – Species Search Results



## MEMORANDUM

**TO:** Lio Salazar, Planning Division Manager, Shasta County Department of Resource Management, Planning Division

**FROM:** Matt Rogers, Environmental Planner  
Area West Environmental, Inc.  
mrogers@areawest.net

**DATE:** September 19, 2023

**SUBJECT:** Response to Comments on the Zone Amendment 21-0002 Hawes River Acres, Et al. Project Initial Study/ Negative Declaration

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In compliance with the California Environmental Quality Act (CEQA), Shasta County circulated a Draft Initial Study (IS) and Notice of Intent to Adopt a Negative Declaration (ND) for the Zone Amendment 21-0002 Hawes Rivers Acres, Et al Project (Project) from July 21 to August 21, 2023. The County Planning Commission hosted a public meeting on August 24, 2023, where it was passed by a 3-0 vote. Two comment letters were received from the California Department of Fish and Wildlife (CDFW) and David Ledger during the public comment period. The comments received are summarized below, and responses to comments are provided as well. A copy of the comment letters is attached.

### California Department of Fish and Wildlife Comments

#### Comment 1 Summary

The ISND does not provide a well-supported explanation for its conclusion that this Project could not have a significant effect on the environment. CDFW recommends including additional details and supporting actions to be included in the Project Description, and to complete a more thorough analysis in the Biological Resources and Noise sections to provide adequate justification for this determination.

#### Response to Comment 1

The Project description and the draft ordinance language included in the ISND define, clarify, recognize, and establish the allowable agritourism/agritainment uses, allowable improvements, and applicable regulations and standards the Project is subject to. The draft ordinance defines both agritourism and agritainment and includes a non-comprehensive list of potential agritainment activities that would be allowed in the new zone designation. The ordinance includes permitted uses as well as those that could be allowed with a zoning permit, administrative permit, or use permit from Shasta County. Additionally, the ordinance includes a number of development standards the Project would subject to including hours of operation, outdoor storage, overnight lodging, buildings, structures,

installations and other improvements, signage, parking, noise, lighting, air quality, traffic, fire safety, sewage, potable water, and food facilities. Adherence to these development standards along with standards regarding stage placement and orientation during concerts or music festivals would ensure the project would not have a significant effect on the environment.

A more detailed analysis of biological resources is attached. See the response to Comment 3 and the attached Habitat Map for a detailed discussion regarding biological resources. The Project is a zoning amendment with the ordinance language regarding noise included in both the ISND and the draft ordinance attached to the CEQA document. The ordinance includes potential remedies for noise related impacts such as modified hours or schedules of operation, physical barrier installation, etc. Additionally, the Project may plant native trees along the eastern and western boundaries of the site to create a vegetative buffer.

### **Comment 2 Summary**

The biological resources section in the ISND does not adequately support a determination of *Less Than Significant Impacts* or *No Impacts*. While CDFW agrees that the Project would not involve significant habitat modification beyond what has already occurred, sensitive resources and habitats have been previously modified without the appropriate level of study, analysis, and notification.

### **Response to Comment 2**

As stated in the ISND, the Project involves activities in previously disturbed habitats. All Project activities would occur in agricultural areas such as annual crop fields, orchards, and other disturbed area within the Project site. These habitats are disturbed regularly by farming activities throughout the year and therefore it is unlikely that special-status species occurring in the region would be present onsite. If present, the proposed use changes are unlikely to affect special-status species beyond a less than significant level as the habitats they occur in would not be directly impacted.

It is unclear what modifications to sensitive resources are being referenced by the commentor. The Project site has been actively farmed for many decades, evidence of orchard planting and installation of farm roads in the southern portion of the site can be seen in aerial photos from the 1950's. This is prior to the enactment of California Fish and Game Code Section 1602. An existing water line was installed during that time frame with a pump installed in the 1980's with funding and oversight through the Natural Resource Conservations Service (NRCS). There have been no recent modifications to sensitive habitats that would have required further study, analysis, or notification.

### **Comment 3 Summary**

The Sacramento River, and its surrounding habitats, support a rich diversity of wildlife and ecosystems. CDFW encourages Shasta County to include a more comprehensive assessment and summary of potential effects on the biological resources known to occur, and to include pertinent details as to how Project activities could not have a significant effect.

### **Response to Comment 3**

A biological survey was conducted on September 8, 2023, to assess the Project site for potentially occurring biological resources including special-status species. A summary report detailing the methods, existing site conditions, and potential for special-status species occurrence is attached.

Several habitats are present onsite that could support special-status species, including mixed riparian forest, valley oak woodland, mixed oak woodland, emergent marsh, perennial drainage, ephemeral pond, and ephemeral drainage. One special-status species was observed onsite, monarch butterfly caterpillars were observed on a single showy milkweed plant found in the ephemeral drainage. Although the species is found onsite, it is not anticipated to be impacted as no activities would occur within aquatic resources such as this drainage. Species with potential to occur onsite include western pond turtle, valley elderberry longhorn beetle, Central Valley steelhead, Sacramento River winter-run Chinook salmon, green sturgeon, and migratory birds and raptors protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Western pond turtle could occur in aquatic habitats found onsite as well as adjacent upland habitats, the species was not observed during the biological survey. Valley elderberry longhorn beetle could occur in blue elderberry shrubs present onsite. Several elderberry shrubs were observed within mixed oak forest along the emergent drainage present between the orchard and the large agricultural field. Anadromous fish species including steelhead, Chinook salmon and green sturgeon occur in the Sacramento River and may occur in the areas of the Project site that flood during high flow events in the winter months. Although these species have the potential to occur within the Project site, and activities associated with the proposed Project may occur adjacent to habitats that these species are found in. No activities would occur in aquatic habitats that would support western pond turtle and anadromous fish species. Upland habitats adjacent to aquatic habitats are primarily disturbed areas where regular farming takes place during the western pond turtle nesting season. Western pond turtles may potentially use these disturbed areas in the future but would not be disturbed any differently than they currently are. It is unlikely proposed activities would result in a change from existing with respect to potential western pond turtle habitat disturbance as Project activity areas are currently farmed and would continue to be farmed in the future. Activities such as weddings or mud runs may occur adjacent to mixed oak woodland habitat or riparian habitat that support blue elderberry shrubs however, any associated impacts would not rise above a less than significant level. Additionally, the Project does not involve any tree and shrub removal in sensitive habitat areas.

Migratory birds and raptors protected by the MBTA and the California Fish and Game Code were observed onsite, primarily occurring within the natural habitats found onsite (i.e. mixed riparian woodland, valley oak woodland, etc.). As mentioned, Project activities would not be taking place in these habitats, they would occur adjacent to these habitats. However, the Project site is a working farm with farming activities taking place throughout the year including during the bird breeding season. Hay is harvested in the summer over the course of a 7-to-10-day period in the southern portion of the site adjacent to riparian habitat. An existing water pump is present near the Sacramento River and adjacent to mixed riparian forest, this pump is run multiple times a day during the spring and summer months for watering crops within the Project site. A generator is attached to the pump that runs during peak electricity hours during the watering season. Additionally, trucks and ATVs are used to access the pump during the watering season. These vehicles are driven on existing roads in annual grassland adjacent to the riparian habitat. Noise disturbance from farming activities is ever present onsite, and the agritainment activities are similar or less in character regarding noise duration and intensity. Again, Project activities would not occur within biologically sensitive habitat areas such as riparian or aquatic habitats.

A known bald eagle nest is present approximately 0.50 miles east of the Project site along Cow Creek. There are no bald eagle nests present within the Project site. This nest occurs approximately 350 feet from an active farm that performs regular farming activities during the breeding and nesting season. This nest has a history of successfully fledging young, even with farming activities occurring in close

proximity. Concerts have occurred on the Project site in the past with the stage oriented to the west or south away from the nest.

The USFWS developed management recommendations for avoiding bald eagle disturbance as a result of new or intermittent activities proposed in the vicinity of bald eagle nests in 2007 (USFWS 2007). Activities are separated into 8 different categories based on the nature and magnitude of impacts to bald eagles that usually result from the type of activity. The activity type in the USFWS recommendations that most closely resembles Project activities is Category H. USFWS Category H includes loud intermittent noises, including fireworks. The USFWS guidelines suggest avoiding activities that produce extremely loud noises within 0.5 mile of active nests unless greater tolerance to the activity (or similar activity has been demonstrated by eagles in the nesting area. Additionally, the State of California under Forestry Practices to protect nesting for bald eagle during timber harvest suggests a minimum buffer of 10 acres (equal to an approximately 330-foot radius) (California Code of Regulations 2014).

All Project related activities would occur over 0.5 mile from the bald eagle nest on Cow Creek. This exceeds the USFWS and the California guidance to avoid nesting bald eagle disturbance.

The species is not known to occur within the Project site and Project activities would take place over 0.5 mile from the known nest which exceeds both state and federal recommendations for disturbance buffers. Although Project activities occur beyond federal and state recommended disturbance buffers, concerts or music festivals would strategically orient and place the stage(s) to not face directly toward this known nesting location. The Project may incorporate the planting of native trees along the eastern and western boundaries of the Project site creating additional vegetative buffer. Therefore, the nesting bald eagles are unlikely to be impacted by the proposed Project.

#### **Comment 4 Summary**

The Project description and supplemental mapping does not provide a clear comprehensive review of the Project activities in relation to the Sacramento River, Stillwater Creek, and their associated riparian habitat. CDFW strongly recommends including the distance in which Project activities occur/will occur from each watercourse, and any pertinent actions that will be implemented to reduce any potential impacts to *less than significant*.

#### **Response to Comment 4**

The Project activity areas were included in the ISND on the overall site plan. The Sacramento River and Stillwater Creek are visible on the overall site plan in relation to the activity areas. Project activities occur approximately 150 feet from the Sacramento River and approximately 210 feet from Stillwater Creek. As noted in the ISND, activities are temporary in nature and do not include any permanent infrastructure in areas adjacent to sensitive habitat (i.e. riparian habitat, Sacramento River, Stillwater Creek, etc.).

#### **Comment 5 Summary**

CDFW recommends clarifying additional details to include where wetlands occur throughout the Project area and what Project activities are occurring within or adjacent to wetlands.

## **Response to Comment 5**

An aquatic resources delineation was previously prepared in 2011 for a portion of the Project site, primarily the southern portion adjacent to the Sacramento River. On September 31, 2011 the U.S. Army Corps of Engineers sent a preliminary jurisdictional determination that concurred with the amount and location of wetlands and other water bodies on the Project site. These resources were confirmed, and the remainder of the site was mapped during the September 2023 site visit. Wetlands and waters present onsite include ephemeral pond, emergent marsh, perennial drainage (Sacramento River and Stillwater Creek), seasonal wetland, agricultural ditch, and an ephemeral drainage. The position of these aquatic resources is shown on the attached Habitat Map. Generally, the ephemeral drainage is found in the northern portion of the Project site, the agricultural ditch is along the northeastern corner of the existing orchard, emergent marsh is found between the orchard and the large agricultural field to the south and along the eastern boundary, the seasonal wetland is found adjacent to the remnant orchard, the ephemeral pond is in the southwestern corner of the site, the Sacramento River is along the southern boundary, and Stillwater Creek is in the southwestern corner of the Project site. As mentioned in the ISND, no Project activities would occur within any aquatic resource present onsite. See the attached map depicting the activity areas overlain on the habitats present onsite.

## **Comment 6 Summary**

The ISND describes activities that are occurring/may occur within the bed, bank or channel of Stillwater Creek and/or the Sacramento River; therefore, a notification to CDFW pursuant to Fish and Game Code section 1602 may be warranted.

## **Response to Comment 6**

None of the activities described in the ISND would occur within the bed, bank, or channel of Stillwater Creek and/or the Sacramento River. All Project activities would occur in previously disturbed habitats such as the existing orchard, the existing agricultural fields in the northern portion of the Project site, the large agricultural field in the southern portion of the site, and existing roads through annual grasslands that occur within the mixed riparian forest habitat. See the attached Habitat Map for details regarding activity areas. The Project does not involve removal of riparian vegetation or disturbance to the bed, bank or channel of either waterways present within the Project site, therefore, notification to CDFW pursuant to Fish and Game Code section 1602 would not be warranted.

## **Comment 7 Summary**

The ISND does not provide adequate mapping of proposed site plans. There is not a complete map of the “Enlarged Site Plan”, and the “Overall Site Plan” is unclear, including the area labeled as “Solar” in the southern portion of the project.

## **Response to Comment 7**

The “Overall Site Plan” provided in the ISND identifies areas in the southern portion of the project site that would expand the existing agritourism and agritainment activity areas and allow the continued use of these areas for activities that can be conducted without new permanent improvements such as weddings, civil war reenactments, mud runs, etc. These events would be conducted with or without

the use of temporary event tents, trellises, lighting, etc. The area labeled as “Solar” refers to existing solar in the southern portion of the project site. The “Enlarged Site Plan” is identified on the “Overall Site Plans” and gives an enlarged view of the activities on the northern portion of the project site, where permanent and temporary buildings and activities have been identified. Areas identified in the “Overall site plan” are approximate as the activities are temporary in nature. See the attached map depicting the activity areas throughout the entire project site.



## David Ledger

### Comment 1 Summary

The Planning Department placed an erroneous baseline of March 1, 2023, it is in actuality September 13, 2021, when the applicant first applied for a zoning change and new use permit. The Initial Study referenced *Fat v. County of Sacramento* (2002), 97 Cal.App.4th 1270 in establishing baseline conditions against which the significance of the project impacts should be considered. The use of the baseline date of March 1, 2023 was a misreading of the applicable Appellate Court decision. *Fat vs County of Sacramento* with the Appellate court decision to use the applicant's application date as the baseline date to consider the current environmental conditions.

### Response to Comment 1

Regardless of date of baseline condition determination, the only changes to the Project site in the time between the date of application and date of notification was the installation of carnival rides on APN 057-190-036 in an agricultural field. The installation of the rides converted approximately 3.6 acres of annual crop land to developed-pervious habitat. The citation from the Appellate Court decision, with emphasis added in the comment, discusses airport development over 30 years with evidence of environmental damage during that period. Once again, the only change between 2021 and 2023 is the conversion of agricultural land to developed-pervious habitat. The previous agricultural land had little value for special-status species and its conversion would not be considered a significant environmental damage.

### Comment 2 Summary

The Initial Study is inadequate, and a Mitigated Negative Declaration or full Environmental Impact Report should be developed. The change in zoning and enlargement of the area to be developed covers a larger area than the original PD zoning. The original permitted PD covers 38 acres while the proposed Project has been expanded to 145 acres. A Initial Study Mitigated Negative Declaration including a biological study was prepared in 2006 when granting Hawes et al a zoning change and permit for the two parcels permitted as PD.

### Response to Comment 2

Preparation of a Negative Declaration is appropriate when a project will not cause a significant effect on the environment and does not require the preparation of an environmental impact report. The Project's Initial Study Negative Declaration does not have any identified impacts beyond a less than significant level. The proposed Project includes development standards within the draft zoning ordinance that reduce potential environmental impacts to less than significant level. Therefore, the Negative Declaration is an appropriate level of documentation for the proposed Project.

### Comment 3 Summary

A thorough biological survey needs to be conducted for all areas of the proposed project to identify if any special species exist on the project site. Because of the large increase in the area for "agritainment" and the proximity of several federally protected species in the area, specifically Bald Eagles and various runs of salmon, a biological survey needs to be done with regard to these species.

### **Response to Comment 3**

Project activities may occur adjacent to sensitive habitats that provide potential special-status species habitat. All Project related activities would occur in previously disturbed agricultural fields, orchards, and other disturbed areas. These habitats provide little value to protected special-status species.

A biological survey was conducted on September 8, 2023. A summary report detailing the methods, existing site conditions, and potential for special-status species occurrence is attached. Several habitats are present onsite that could support special-status species, including mixed riparian forest, valley oak woodland, mixed oak woodland, emergent marsh, perennial drainage, ephemeral pond, and ephemeral drainage. One special-status species was observed onsite, monarch butterfly caterpillars were observed on a single showy milkweed plant found in the ephemeral drainage. Although the species is found onsite, it is not anticipated to be impacted as no activities would occur within aquatic resources such as this drainage. Species with potential to occur onsite include western pond turtle, valley elderberry longhorn beetle, Central Valley steelhead, Sacramento River winter-run Chinook salmon, green sturgeon, and migratory birds and raptors protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Western pond turtle could occur in aquatic habitats found onsite as well as adjacent upland habitats, the species was not observed during the biological survey. Valley elderberry longhorn beetle could occur in blue elderberry shrubs present onsite. Several elderberry shrubs were observed within mixed oak forest along the emergent drainage present between the orchard and the large agricultural field. Anadromous fish species including steelhead, Chinook salmon and green sturgeon occur in the Sacramento River and may occur in the areas of the Project site that flood during high flow events in the winter months. See the Response to Comment 3 from the California Department of Fish and Wildlife responses above regarding special-status species.

### **Comment 4 Summary**

The C-R Zoning Ordinance requires the proposed use to blend harmoniously with the natural features of the surrounding area. The project will not blend with the Rural Residential zoning in the area.

### **Response to Comment 4**

The proposed C-R zone district would allow new agritourism/agritainment uses that are similar in character and impact to such uses that have been carried out at the Project site. For the purposes of this C-R ordinance agritourism shall mean educational activities that are to take place at a working farm, ranch, or other agricultural operation or agricultural plant and are offered to the public. Agritainment, for the purposes of this C-R ordinance shall mean uses, other than agritourism as defined herein, including activities, entertainment, events, and good and services that are to take place at a working farm, ranch, or other agricultural operation or agricultural plant and are offered to the public.

Lands in close proximity to the project site include a mix of large undeveloped and full-time agricultural lands, smaller parcels developed with rural residential uses. Agritourism/agritainment uses complement and support the agricultural use of the property.

## Comment 5 Summary

The county must consider the significant negative effects associated with amusement park rides.

The following excerpt from the ISND was included in the response letter:

*“The current PD zone district includes noise limits established by the Shasta County General Plan. The General Plan Noise Standard for non-transportation noise sources is 55 dB hourly Leq daytime (7:00 a.m. to 10:00 p.m.), and 50 dB hourly Leq nighttime (10:00 p.m. to 7:00 a.m.). The PD standards provide that if a noise complaint is received and it is verified that the noise limits may be exceeded, the Director or Resource Management shall require the applicant submit a professional acoustic analysis which the Director may require be prepared by a third party at the applicant’s expense. If the professional acoustic analysis determines that noise limits are exceeded, the applicant would be required implement sound attenuation measures recommended by the analysis. To date, the Department has not received noise complaints regarding the use of the subject property. If the project is approved all existing improvements would remain and the day-to-day operations of the retail/wholesale farm supply store, agritourism/agritainment uses, single-family residences, wireless telecommunications facility, orchard, and crop lands continue in the same general manner and the C-R development standards would include the same or similar noise related development standards as the current PD.”*

*“While many of the amusement rides were present and/or installed at the property before March 1, 2023, one or more were not operational and when in operation would be a new potential new source of noise that could impact sensitive uses nearby, including several single-family residences across Deschutes Road from the project site. **Information on noise generated by the amusement rides is not available.** Given the relatively small scale of the amusement rides proposed for operation and the distance between the project site and sensitive receptors, the proposed operation of the amusement rides is not expected to generate excessive noise. The PD standards regarding noise would be incorporated in the proposed C-R development standards and would be applicable to all amusement ride operations.”*

## Response to Comment 5

The response to the bolded sentence in the above except the letter cited a Study of Noise Exposure for Amusement Park Employees by Positions and Ride Categories, Danielle M. Dao, University of South Florida. Url: <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=10532&context=etd>

The study referenced that 80% of carnival rides exceeded OSHA’s 80 dB threshold (Kramer, 2014). The study was conducted for employees operating carnival rides in positions directly next to the source. Sound from a localized source (i.e., a point source) propagates uniformly outward in a spherical pattern. The sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a point source. The nearby sensitive receptors (several single-family residences across Deschutes Road from the project site) are approximately 220 feet from rides to property lines. In the distance from point source to sensitive receptors, given the approximate rate of decrease for each doubling of distance, the sound levels will attenuate to below the General Plan Noise Standard. The sound level from the relatively small scale of the amusement rides proposed for operation is expected to not generate excessive noise for sensitive receptors.

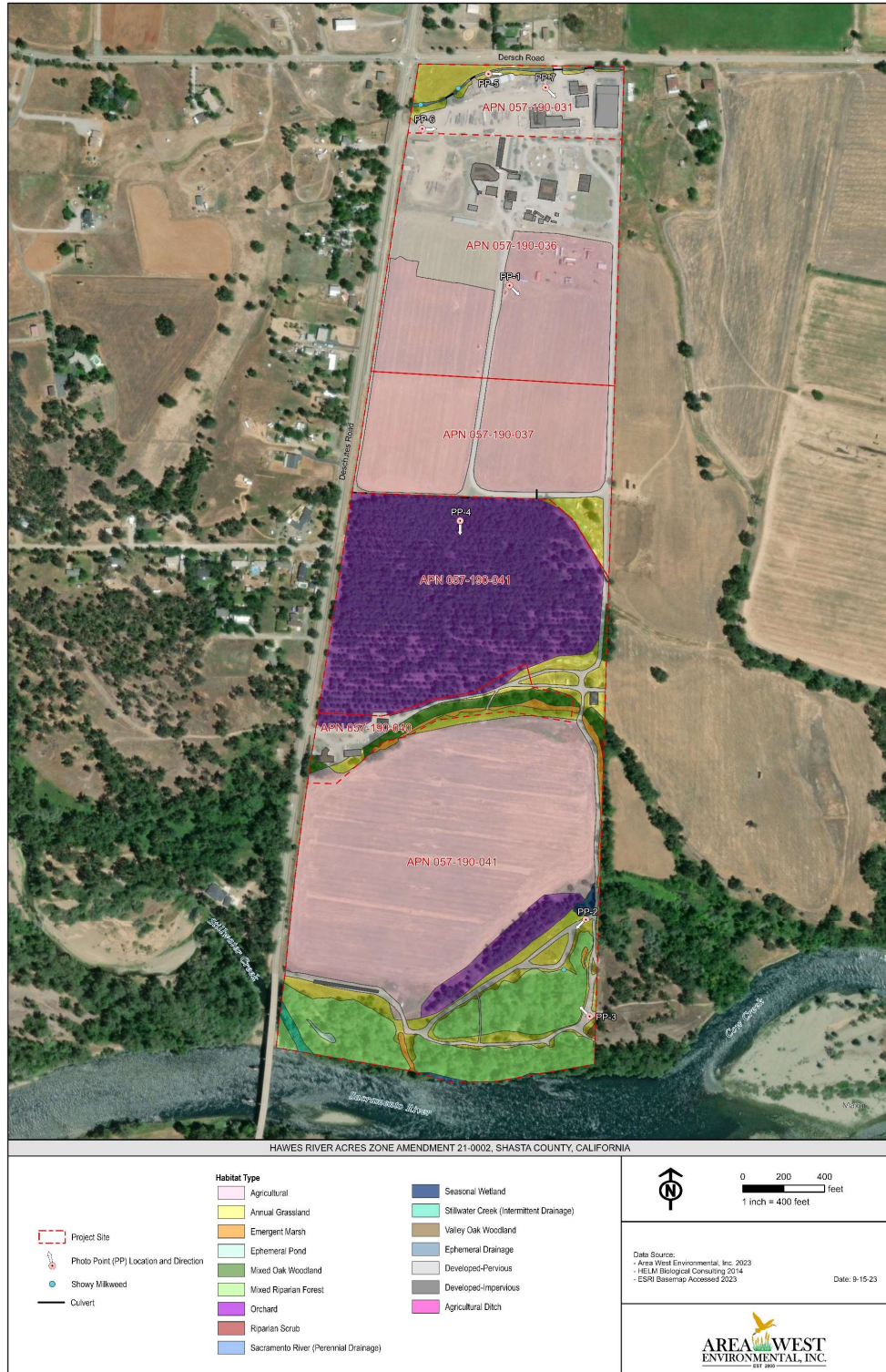
## **Comment 6 Summary**

The response letter requested the county must also consider the significant negative effects of the sound of people's voices during the CEQA process based on two recent, 2023 Appellate Court decisions in which “‘crowds of people talking, laughing, shouting, and playing music’ may significantly impact a project’s environment, particularly neighbors of the development.” (CalMatters 2023) Url: <https://calmatters.org/housing/2023/08/ceqa-noise-pollution/>

## **Response to Comment 6**

Noise impacts from human speech are proposed to be minimized with a development standard that would limit the hours during which on-site activities can take place. Concerts have been and continue to be the largest crowd producing activity for the proposed project. Concerts and music festivals would take place in the agricultural fields and incorporate strategic placement and orientation of stage(s) to reduce noise impacts on sensitive receptors such as adjacent residences. Additionally, the Project may plant native trees along the eastern and western boundaries of the site to create a vegetative buffer.

## Appendix A: Figures



**Figure 1. Habitat Map**





Area West Environmental, Inc.  
Zone Amendment 21-0002 Hawes River Acres, Et al.

Figure 2. Activity Areas





**Figure 3. Activity Areas with Habitat Map**