

**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SHASTA APPROVING USE PERMIT 22-0002  
(BAR OVER HEART ENTERPRISES, LLC)**

**WHEREAS**, a request for a use permit was filed by Bar Over Heart Enterprises, LLC, for the development of a 5-megawatt bioenergy facility, small specialty sawmill, dry kilns, chipping and grinding operation, firewood sales, outdoor storage and office, and exceedance of the maximum structural height standard of 45 feet for Unclassified (U) zoned parcels that are designated Full-Time Agricultural-Crops (A-C) in the Shasta County General Plan located on the east side of Black Ranch Road, at the intersection of Black Ranch Road and State Highway 299 East, in Burney, CA 96013 (Assessor's Parcel Numbers (APN's) 028-370-028, 030-390-070, and a portion of 030-390-066 as these APN's are assigned for purposes of the 2023 Assessment Roll). Use Permit 22-0002 is proposed in accordance with sections 17.92.020, 17.84.030(B)(4), and 17.88.100 of the Shasta County Ordinance Code, Title 17, Zoning; and

**WHEREAS**, the project was referred to various affected public and private agencies, County departments, and referral agencies for review and comment; and

**WHEREAS**, the Shasta County Environmental Review Officer has reviewed the project and recommends a specific environmental finding; and

**WHEREAS**, the County of Shasta Planning Commission has received and reviewed the proposed project, in addition to a report from the Planning Division; and

**WHEREAS**, a duly noticed public hearing was held before the Planning Commission on September 28, 2023, at which time all interested persons were given an opportunity to comment and those comments were considered by the Planning Commission; and

**WHEREAS**, the Planning Commission adopted Resolution No. 2023-020 by a 4-0 vote to recommend approval of Use Permit 22-0002 to the Board of Supervisors, subject to the enactment of Zone Amendment 22-0008; and

**WHEREAS**, a duly noticed public hearing was held before the County of Shasta Board of Supervisors on December 5, 2023, at which time all interested persons were given an opportunity to comment and those comments were considered by the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Shasta:

1. Makes the following environmental review findings:
  - A. An Initial Study (IS) has been conducted by the Shasta County Department of Resource Management, Planning Division, to evaluate the potential for significant adverse environmental affects and there is no substantial

evidence in light of the whole record before the agency that the project may have a significant adverse impact on the environment; and

- B. A Mitigated Negative Declaration (MND) has been prepared and circulated to the State Clearinghouse (SCH#: 20230470441) pursuant to the California Environmental Quality Act (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 IS/MND and Mitigation Monitoring and Reporting Program and incorporated in the Development Standards/Operational Conditions within the use permit. 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 IS/MND, and incorporated therein by reference, which are maintained at the County Planning Division's office located at 1855 Placer Street, Suite 103, Redding, California.
- 2. Adopts the CEQA determination of a Mitigated Negative Declaration.
  - 3. Makes the following findings for the use permit:
    - A. The establishment, operation and maintenance of the subject use, under the circumstances of the particular case will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
    - B. The project, as conditioned, is consistent with the objectives, policies, uses, and programs of the General Plan.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Board of Supervisors of the County of Shasta approves Use Permit 22-0002, subject to the enactment of Zone Amendment 22-0008, and subject to the conditions set forth in Exhibit A to this resolution and incorporated herein.

**DULY PASSED AND ADOPTED** this 5th day of December 2023, by the Board of Supervisors of the County of Shasta by the following vote:

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

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

ATTEST:

DAVID J. RICKERT  
Clerk of the Board of Supervisors

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