



MEMORANDUM

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

Environmental Health

Suite 201
225-5787

Air Quality Management

Suite 101
225-5674

Planning Division

Suite 103
225-5532

Administration & Community Education Section

Suite 200
225-5789

Building Division

Suite 102
225-5761

TO: California Office of Planning and Research Clearinghouse

FROM: Sean Ewing, Shasta County Environmental Review Officer 

DATE: 06/10/2025

SUBJECT: ZONE AMENDMENT 13-007 (SCH# 2023030114) WITHDRAWAL OF NOTICE OF DETERMINATION AND MITIGATED NEGATIVE DECLARATION PURSUANT TO PEREMPTORY WRIT OF MANDATE

Pursuant to direction from the Shasta County Board of Supervisors provided in association with its action on May 14, 2025 to introduce, waive the reading of, and enact, "*An Ordinance Of The Board of Supervisors of the County Of Shasta Authorizing Compliance with a Preemptory Writ Of Mandate Issued in Shasta County Superior Court Case # 23CV-0203713 (Anderson/Millville Residents v. County Of Shasta; Shasta County Board of Supervisors and Patrick Jones), and Repealing Ordinance No. 378-2074,*" Sean Ewing, Director of the Shasta County Department of Resource Management, acting in his capacity as the Shasta County Environmental Review Officer, hereby withdraws the Notice of Determination and Mitigated Negative Declaration for the subject project.

The reason for the withdrawal is as follows:

On October 24, 2023, The Shasta County Board of Supervisors adopted the California Environmental Quality Act determination of a Mitigated Negative Declaration and introduced, waived the reading of, and enacted an ordinance to amend the Zoning Plan of the County of Shasta identified as Zone Amendment 13-007 for a 151.78-acre project site (Assessor's Parcel Number 060-010-016) to change the Limited-Residential combined with Mobile Home and Building Site 40-Acre Minimum Lot Area (R-L-T-BA-40) zone district to the Commercial Recreation (C-R) zone district for the development of an outdoor gun range complex and gun club (Ordinance 378-2074).

On October 30, 2023, Shasta County, filed a Notice of Determination with the State of California Office of Land Use and Climate Innovation, State Clearinghouse Division (“SCH”) with respect to that certain Mitigated Negative Declaration filed with the SCH on March 3, 2023, for a project titled Zone Amendment 13-007 (SCH# 2023030114).

On November 21, 2023, the Anderson/Millville Residents, an unincorporated association, (“Petitioner”) filed a timely petition with the Court for a writ of administrative mandate directing the County of Shasta; Shasta County Board of Supervisors and DOES 21-20 (“Respondents”) to vacate and set aside their approval of the Initial Study/Mitigated Negative Declaration (“IS/MND”) for Zone Amendment 13-007 and that the Court order preparation of an Environmental Impact Report (“EIR”) for Zone Amendment 13-007 rather than the currently existing IS/MND.

On March 10, 2025, the Court granted the Petitioner's a Writ of Administrative Mandate (“Peremptory Writ”) and on April 21, 2025, a Peremptory Writ was served on the County of Shasta (“County”) directing the County to, among other actions, vacate and set aside the October 24, 2023 approval of the Initial Study/Mitigated Negative Declaration for the Zone Amendment 13-007 Project - High Plains Shooting Sports Center ("Project") and the approval of the Project, and to Within 30 days of service of the Peremptory Writ of Mandate withdraw the Notice of Determination for the subject project.

On May 14, 2025, the Shasta County Board of Supervisors, pursuant to and in compliance with the Peremptory Writ, introduced, waived the reading of, and enacted, “*An Ordinance Of The Board of Supervisors of the County Of Shasta Authorizing Compliance with a Preemptory Writ Of Mandate Issued in Shasta County Superior Court Case # 23CV-0203713 (Anderson/Millville Residents v. County Of Shasta; Shasta County Board of Supervisors and Patrick Jones), and Repealing Ordinance No. 378-2074,*” and authorized the Director of Resource Management, in his capacity as the County Environmental Review Officer, to withdraw the CEQA Notice of Determination adopted for Ordinance 378-2074.

Attachments: Peremptory Writ of Mandate
Shasta County Board of Supervisors Ordinance 378-2083
Board of Supervisors Staff Report Re: Actions to Comply with Peremptory Writ of Mandate (sans attachments)

SE/af

1 LAW OFFICE OF DONALD B. MOONEY
2 DONALD B. MOONEY (SBN 153721)
3 417 Mace Boulevard, Suite J-334
4 Davis, California 95618
5 Telephone: (530) 304-2424
6 Facsimile: (530) 212-7120
7 Email: dbmooney@den.org

8 Attorney for Petitioner
9 Anderson/Millville Residents

10
11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF SHASTA

13 ANDERSON/MILLVILLE RESIDENTS,)
14 an unincorporated association)

15 Petitioner)

16 v.)

17 COUNTY OF SHASTA; SHASTA)
18 COUNTY BOARD OF SUPERVISORS)
19 and DOES 1-20;)

20 Respondents)

21 PATRICK JONES, and DOES 21-100)

22 Real Parties in Interest)

Case No. 23CV-0203713

**[PROPOSED] PEREMPTORY
WRIT OF MANDATE**

Assigned for All Purposes:
Judge: The Hon. Benjamin L. Hana

Dept: 63

Date Action filed: November 21, 2023

23 Judgment having been entered in this proceeding, ordering that a peremptory writ of
24 mandate be issued from this Court.

25 IT IS SO ORDERED that immediately upon service of this writ, Respondents County of
26 Shasta and Shasta County Board of Supervisors shall:

27 1. Within 30 days of service of the Peremptory Writ of Mandate, vacate and set aside
28 the October 24, 2023 approval of the Initial Study/Mitigated Negative Declaration for the Zone
Amendment 130-007 Project – High Plains Shooting Sports Center (“Project”) and the approval
of the Project.

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2. Within 30 days of service of the Peremptory Writ of Mandate vacate and set aside approval and/or adoption of Shasta County Planning Commission Resolution 2023-010.

3. Within 30 days of service of the Peremptory Writ of Mandate vacate and set aside the Shasta County Board of Supervisors' enactment of Ordinance 378-024.

4. Within 30 days of service of the Peremptory Writ of Mandate withdraw the Notice of Determination for the subject project;

5. Prepare, circulate, and consider a legally adequate environmental impact report for the subject project;

6. Suspend approval of any and all construction of the subject project until compliance with CEQA is achieved;

7. Suspend all activity that could result in any change to the physical environment regarding the subject project until compliance with CEQA is achieved.

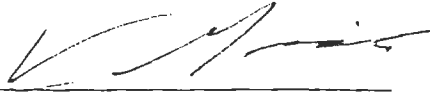
8. Under Public Resources Code section 21168.9(c), this Court does not direct Respondents to exercise their lawful discretion in any particular way.

9. Under Public Resources Code section 21168.9(b), this Court will retain jurisdiction over Respondents' proceedings by way of a return to this peremptory writ of mandate until the Court has determined that Respondent has complied with the provisions of CEQA.

10. Respondents must file a return to the writ no later than 60 days after issuance of the writ.

APR - 2 2025

Dated: ~~March~~ , 2025



Clerk of the Court

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PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 417 Mace Boulevard, Suite J-334, Davis, California; I am over the age of 18 years and not a party to the foregoing action. On March 21, 2025, I served a true and correct copy of

[PROPOSED] PEREMPTORY FOR WRIT OF MANDATE

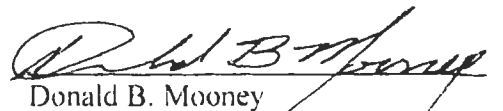
 (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure § 1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a United States mailbox in the City of Davis, California.

 (by Federal Express) to the person at the address set forth below:

(by Electronic Service) to the person at the email address set forth below:

Joseph Lamour Deputy County Counsel Shasta County Counsel 1450 Court Street, Suite 332 Redding, CA 96001-1675	<i>Representing Respondents County of Shasta and Shasta County Board of Supervisors Real Party in Interest</i>
Shon Northam Law Office of Shon Northam 1650 Oregon Street, Suite 116 Redding, CA 96001	<i>Representing Real Party in Interest Patrick Jones</i>

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct . Executed on March 21, 2025, at Davis, California.


Donald B. Mooney

ORDINANCE NO. 378-2083

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
AUTHORIZING COMPLIANCE WITH A PREEMPTORY WRIT OF MANDATE
ISSUED IN SHASTA COUNTY SUPERIOR COURT CASE # 23CV-0203713
(ANDERSON/MILLVILLE RESIDENTS V. COUNTY OF SHASTA; SHASTA COUNTY
BOARD OF SUPERVISORS AND PATRICK JONES),
AND REPEALING ORDINANCE NO. 378-2074**

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

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

WHEREAS, Ordinance 378-2074 was effective on November 24, 2023; and

WHEREAS, on November 21, 2023, the Anderson/Millville Residents, an unincorporated association ("Petitioner"), filed a timely petition with the Court for a writ of administrative

mandate directing the Respondents to vacate and set aside their approval of the Initial Study/Mitigated Negative Declaration ("IS/MND") for the Project, that the Court set aside various county ordinances and resolutions related to the approval of the project, and that the Court order preparation of an Environmental Impact Report ("EIR") for the Zone Amendment rather than the currently existing IS/MND (Petition); and

WHEREAS, on March 10, 2025, the Court granted the Petitioner's Petition for a Writ of Administrative Mandate ("Preemptory Writ"); and

WHEREAS, on April 21, 2025, a Preemptory Writ was served on the County of Shasta ("County") directing the County to, among other things:

1. Within 30 days of service of the Peremptory Writ of Mandate, vacate and set aside the October 24, 2023, approval of the Initial Study/Mitigated Negative Declaration for the Zone Amendment 130-007 Project - High Plains Shooting Sports Center ("Project") and the approval of the Project.
2. Within 30 days of service of the Peremptory Writ of Mandate, vacate and set aside approval and/or adoption of Shasta County Planning Commission Resolution 2023-010.
3. Within 30 days of service of the Peremptory Writ of Mandate, vacate and set aside the Shasta County Board of Supervisors' enactment of Ordinance 378-024.
4. Within 30 days of service of the Peremptory Writ of Mandate, withdraw the Notice of Determination for the subject project; and

WHEREAS, the Zone Amendment that is the subject of this ordinance is the same "Project" described in the Preemptory Writ of Mandate; and

WHEREAS, the Board of Supervisors of the County Shasta, by this ordinance, seeks to comply with the Preemptory Writ by vacating and setting aside adoption of the Initial Study/Mitigated Negative Declaration for the Project and repealing Ordinance No. 378-2074.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Shasta ordains as follows:

SECTION 1. The Board of Supervisors vacates and sets aside the October 24, 2023, adoption of the Initial Study/Mitigated Negative Declaration for the approval of the Project.

SECTION 2. The Commercial Recreation (C-R) zone district for the following described real property is hereby repealed and reverted to the prior Limited-Residential combined with Mobile Home and Building Site 40-Acre Minimum Lot Area (R-L-T-BA-40) zone district zone district adopted pursuant to Ordinance No. 1530.

Millville Plains Area – Located generally at the northeast end of Leopard Drive, approximately 0.5-miles north of the Dersch Road and Leopard Drive intersection, Anderson, CA 96007, being within a portion of Section 36 of T.31N., R.3W and more specifically described as a portion of the subject parcel of Certificate of Compliance No. 17-003, filed in the County Clerk Recorder's Office as Document No. 2017-0017575, and further described as Assessor's Parcel Number (APN) 060-010-016 as that APN is assigned for the purposes of the 2023 Regular Assessment Roll.

SECTION 3. The Board of Supervisors finds the ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA section 21080(b) and State CEQA Guidelines section 15060(c).

SECTION 4. Ordinance No. 378-2074 is hereby repealed, vacated, and set aside.


SECTION 5. If any section, subsection, sentence, clause, phrase, or provision of this ordinance or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, phrase, or provision thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or provisions be declared unconstitutional or invalid.

SECTION 6. All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this ordinance are hereby superseded by this ordinance. The adoption of this ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

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

DULY PASSED AND ADOPTED this 14th day of May, 2025, by the Board of Supervisors of the County of Shasta by the following vote:

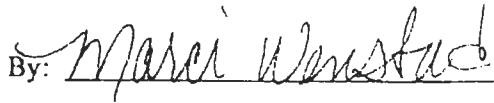
AYES: Supervisors Kelstrom, Crye, Long, and Harmon
NOES: None
ABSENT: Supervisor Plummer
ABSTAIN: None
RECUSE: None



KEVIN W. CRYE, CHAIR
Board of Supervisors
County of Shasta
State of California

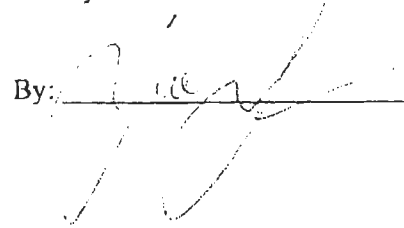
ATTEST:

DAVID J. RICKERT
Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM:

JOSEPH LARMOUR
County Counsel

By: 

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

ATTEST: MAY 21 2025

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

STAFF REPORT

BOARD MEETING DATE: May 13, 2025

CATEGORY: Scheduled Hearings 10

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

DEPARTMENT: Resource Management

SUPERVISORIAL DISTRICT #: District 3, District 5

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

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

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

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

DISCUSSION

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

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

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

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

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

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

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

ALTERNATIVES

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

OTHER AGENCY INVOLVEMENT

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

FISCAL IMPACT

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

ATTACHMENTS:

1: Proposed Ordinance

2: Preemptory Writ of Mandate

3: Ordinance No. 378-2074

4: CEQA IS/MND (SCH# 2023030114) - Zone Amendment 13-007 (Patrick Jones)

5: Shasta County Planning Commission Resolution 2023-010