

## REPORT TO THE SHASTA COUNTY PLANNING COMMISSION

<b><u>PROJECT IDENTIFICATION:</u></b>	<b><u>REGULAR AGENDA</u></b>	<b>MEETING DATE</b>	<b>AGENDA ITEM #</b>
<b>GENERAL PLAN AMENDMENT GPA18-0003 AND ZONE AMENDMENT ZA18-0004 AREA 3 - SOUTHWEST PALO CEDRO: GILBERT DRIVE <i>CONTINUED FROM AUGUST 9, 2018</i></b>		<b>08/23/18</b>	<b>R3</b>

**RECOMMENDATION:** That the Planning Commission:

1. Conduct a public hearing.
2. Close the public hearing.
3. Adopt a resolution recommending that the Board of Supervisors: a) find GPA18-0003 and ZA18-0004 not subject to the California Environmental Quality Act (CEQA) in accordance with the provisions of Government Code section 65759, (CEQA does not apply to any action necessary to bring an agency's general plan or relevant mandatory elements of the plan into compliance with any court order or judgement); b) adopt a resolution approving GPA18-0003; and c) introduce, waive the reading of and enact an ordinance amending the Zoning Maps pursuant to ZA18-0004.

**PROJECT SUMMARY:** The project is a County initiated application which proposes amendments to the Shasta County General Plan Land Use Maps the County Zoning Maps as necessary actions to bring the County's General Plan into compliance with State Housing Law and a judgement by the Shasta County Superior Court (see Environmental Determination section under Background and Discussion below). The proposed General Plan and Zoning Plan Map amendments are not associated with any proposal for the on-site development of any of the sites.

This project site (Area 3) is one of four separate project applications in four separate geographical areas of the unincorporated County, all of which are served by, or have access to, urban services including community water and sewer. Collectively, these four projects will result a change to the General Plan land use designation on a total of 61.5 acres to Urban Residential – 25 dwelling units per acre (UR(25)), and rezoning the same 61.5 acres to Multiple-Family Residential – 25 dwelling units per acre (R-3-25).

Area 3 is located in unincorporated Shasta County southwest of the intersection of State Highway 44 and Deschutes Road in the unincorporated community of Palo Cedro. Comprised of two separate sites (Sites 11 and 12) on one parcel. Area 3 consists of 9.8 acres currently designated Commercial (C) in the General Plan and zoned Community Commercial (C-2). Area 3 in its entirety would be designated UR(25), and would be rezoned to R-3-25 on 8 acres, and Open Space on 1.8 acres. (Assessor's Parcel Number 059-360-019).

Table 1. Area 3 Project Information

<b>Site #</b>	<b>Current GP/Zoning</b>	<b>Proposed GP/Zoning</b>	<b>Affected Acres</b>	<b>Notes</b>
11	C/C-2	UR(25)/R-3-25	4.5	Required to meet RHNA
12	C/C-2	UR(25)/R-3-25	3.5	Required to meet RHNA
--	C/C-2	UR(25)/OS	1.8	Wetland area

### **BACKGROUND AND DISCUSSION:**

Court Order -- On January 22, 2018 Legal Services of Northern California and The Public Interest Law Project jointly filed a lawsuit pursuant to California Government Code Article 14, Actions or Proceedings (section 65759) with the intent to compel the County to bring its Housing Element into compliance with State Laws and meet the unaccommodated Regional Housing Allocation Need (RHNA) assigned by the Department of Housing and Community Development.

A judgement was rendered by the Shasta County Superior Court for a Stipulation for Judgement in accordance with the terms of a settlement agreement that includes actions that must be completed by the County. As a result of this judgement, CEQA does not apply to any discretionary actions that are necessary for the County to bring the General Plan into compliance with State Law, including GPA18-0001 and Zone Amendment ZA18-0002.

**General Plan Amendment/Rezone Sites** – The Area 3 site is located in the southwestern area of Palo Cedro and is bounded by the future planned extension of Topland Drive to the north, with the eastern property boundaries adjoining the future extension of Gilbert Drive. Two large undeveloped tracts of land adjoin the site to the west. The surrounding vicinity is comprised largely of commercial and light industrial uses, single-family homes, and some undeveloped areas.

**Access & Services** – Access to Area 3 is from Gilbert Drive via Honor Court from Deschutes Road. Bella Vista Water District provides water to the area and wastewater disposal is provided by County Service Area No. 8. Electricity and natural gas service in the area is provided by Pacific Gas and Electric Company and Waste Management provides solid waste disposal services.

The designs and locations of future developments within the rezone sites are unknown at this time. The purpose of this project is to rezone sufficient land to meet the County's Regional Housing Needs Allocation (RHNA). While future housing development may occur as a result of the proposed General Plan Land Use Map and Zoning Map Amendments, no specific development proposals are associated with this project. Future multiple-family housing development would occur subject to review and compliance with all site development procedures and standards contained in Shasta County Code Section 17.36.060.

**Environmental Determination** – This project is not subject to the California Environmental Quality Act (CEQA) in accordance with the provisions of Government Code section 65759, which establish, in part, that CEQA does not apply to any action necessary to bring an agency's general plan or relevant mandatory elements of the plan into compliance with any court order or judgement. However, the County is required to prepare an initial study to determine the environmental effects of the proposed project and to prepare an environmental assessment if as a result of the initial study the County determines that the project may have a significant effect on the environment. The environmental assessment shall substantially conform to the required content of a draft environmental impact report (Government Code section 65759).

The Planning Division has prepared an initial study in accordance with Government Section 65759, and determined that the project may have a significant effect on the environment. Therefore, an Environmental Assessment (EA) has been prepared, the content of which substantially conforms to the required content for a draft Environmental Impact Report (EIR).

Based on the Initial Study, no impacts or less than significant impacts related to Aesthetics, Agricultural Resources, Geology and Soils, Hazards and Hazardous Materials, Mineral Resources, and Recreation are anticipated as a result of the proposed project. As such, these resources are not evaluated as part of the EA (refer to EA Section 9.0, EFFECTS FOUND NOT TO BE SIGNIFICANT and Appendix A, INITIAL STUDY).

The EA focuses on the changes in the environment (indirect) that could result from approval of GPA18-0003 and ZA18-0004 if full development of the rezone sites were to occur. The EA identifies potential indirect impacts resulting from future build-out and provides measures to avoid potentially significant impacts. This EA addresses impacts in the following areas: Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Transportation and Traffic, Tribal Cultural Resources, and Utilities and Service Systems. The EA serves as the primary reference document in formulating the recommended conditions of rezone approval.

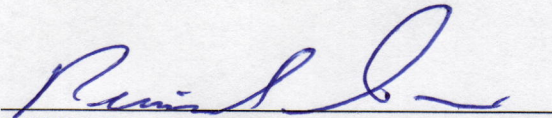


**ALTERNATIVES:** This proposed General Plan and Zoning Plan amendment is required to bring the County General Plan into compliance with State housing law and to meet the terms of the settlement agreement. Therefore, as explained below, the alternatives to the proposed action are limited:

1. Modify the General Plan Map and Zoning Map amendment boundaries.
2. Continue the public hearing to request additional information.
3. Recommend that Board of Supervisors deny the project.

None of these alternatives are recommended. The boundaries and resulting acreage of each rezone area has been carefully identified by staff and agreed upon by the respective property owners, and are necessary for the County to meet its obligations. The settlement agreement includes specific timelines for the County to fulfill its obligation to rezone property and any delay could put the timeline at risk. As indicated throughout the staff report, this General Plan and Zoning Plan amendment is necessary for the County to meet its obligations in a timely manner. Denial of the rezone would require the County to find other properties to rezone within an extremely limited pool of options, and would put the settlement agreement and the success of the County's Housing Element update program at great risk.

**CONCLUSION:** Based on the information collected and the analysis completed for this project, staff is of the opinion that the proposed Area 3 Project is consistent with the General Plan policies and zoning standards for the area.



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Director of Resource Management

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Copies: Legal Services of Northern California  
Shasta Forest Properties LLC  
Project File

Attach: 1. Draft Resolution  
2. Vicinity Map  
3. Site Map  
4. General Plan Map  
5. Zone District Map  
6. Proposed General Plan Map  
7. Proposed Zone District Map  
8. Initial Study  
9. EA link: [https://www.co.shasta.ca.us/index/drm\\_index/planning\\_index.aspx](https://www.co.shasta.ca.us/index/drm_index/planning_index.aspx)