

RESOLUTION NO. 2018-020

**A RESOLUTION OF THE SHASTA COUNTY PLANNING COMMISSION
RECOMMENDING THAT THE SHASTA COUNTY BOARD OF SUPERVISORS
APPROVE GENERAL PLAN MAP AMENDMENT GPA18-0003 AND ZONING MAP
AMENDMENT ZA18-0004 (COUNTY OF SHASTA)**

WHEREAS, as part of the state housing law the legislature found, among other findings, that (1) the availability of housing is of vital statewide importance, (2) local governments, such as Shasta County, have the responsibility to facilitate the improvement and development of housing adequate to meet the needs of all economic segments of the community, (3) designating and maintaining a supply of land that is suitable, feasible and available for the development of housing to meet the housing need for all income levels is essential to achieving the state's housing goals (Government Code section 65580); and

WHEREAS, the intent of the state's housing law, among others, is to (1) assure that the County recognizes its responsibility to contribute to attaining the state's housing goal, (2) assure that the County prepares and implements a local Housing Element as part of its General Plan, (3) recognize that the County is best capable of determining what is needed for the County to contribute to the attainment of the state's housing goal in a manner compatible with the state's housing goal and the Regional Housing Need Allocation (RHNA) assigned to the County by the state (Government Code section 65581); and

WHEREAS, in accordance with Government Code section 65583.2(c)(3)(B)(iii) and the United States Census, Shasta County is considered a "suburban jurisdiction" and is assigned a "default density" of twenty residential units per acre by the state. Default density being the density at which a site is deemed appropriate for development to accommodate lower income households; and

WHEREAS, in January 2018, Legal Services of Northern California and The Public Interest Law Project jointly filed a lawsuit to compel the County to bring its Housing Element into compliance with State Law and meet its unaccommodated Regional Housing Allocation Need (RHNA) assigned by the Department of Housing and Community Development, resulting in a judgement rendered by the Shasta County Superior Court for a Stipulation for Judgement in accordance with the terms of a settlement agreement that includes actions, including the rezoning of land to the default density, that must be completed by the County within a defined timeline; and

WHEREAS, to fulfil its obligations under Program 8 of the most recently adopted 2009-2014 Shasta County Housing Element committed the County to rezone enough land at the default density within the unincorporated area of the County, where water, sewer and other urban services are or will be available, to fully accommodate the County's RHNA obligation for lower income households; and

WHEREAS, to fulfil its obligations to comply with State housing law and the Stipulated Judgement the County has initiated four separate General Plan amendment and rezone projects to re-designate and rezone land to the default density in four separate geographical areas of the

unincorporated County, totaling 13 sites and 60.5 acres within designated Town Centers, or adjoining designated Urban Centers, served by or with access to, urban services including community water and sewer; and

WHEREAS, the land area affected by GPA18-0003 and ZA18-0004 consists of two sites on one parcel totaling just over eight acres of undeveloped land; and

WHEREAS, the subject land is currently designated Commercial (C) by the County General Plan, and zoned Community Commercial(C-2) by the Shasta County Zoning Maps; and

WHEREAS, GPA18-0003 and ZA18-0004 designates the subject lands Urban Residential-25 units per acre and rezones the subject lands to Multiple-Family Residential-25 units per acre (8 acres) and Open Space (1.8 acres); and

WHEREAS, duly noticed public hearings to consider GPA18-0003 and ZA18-0004, were held before the Planning Commission on August 9, 2018, and continued to August 23, 2018, at which time the Commission received a presentation from staff and considered all written comments and all testimony from agencies and the public; and

WHEREAS, GPA18-0003 and ZA18-0004 are not subject to the California Environmental Quality Act (CEQA) pursuant to a court order judgement rendered by the Shasta County Superior Court for a Stipulation for Judgement on June 29, 2018, which expressly incorporates the provisions of Government section 65759, which establish that the California Environmental Quality Act (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; and

WHEREAS, In accordance with the provisions of Government Code section 65759, the County has prepared an initial study to determine the environmental effects of the project and, as a result of the initial study, has prepared an environmental assessment with content that substantially conforms to the required content of a draft environmental impact report as set forth in Article 9 (commencing with section 15140) of Title 14 of the California Code of Regulations.

NOW, THEREFORE BE IT RESOLVED by the Shasta County Planning Commission:

1. The foregoing recitals are true and correct and incorporated herein.
2. The Planning Commission makes the following findings with regard to General Plan Amendment GPA18-0003 and Zoning Plan Amendment ZA18-0004:
 - A. State housing law, as codified in Government Code section 65580 et seq., requires that Shasta County assist in attaining the state's housing goal by, among other actions: (a) facilitating the improvement and development of housing adequate to meet the needs of all economic segments of the community, (b) designating and maintaining a supply of land that is suitable, feasible and available for the development of housing to meet the housing need for all income levels, (c) preparing and implementing a local Housing Element as part of its General Plan,

- (d) determining what is needed for the County to contribute to the attainment of the state's housing goal in a manner compatible with the state's housing goal and the Regional Housing Need Allocation (RHNA) assigned to the County by the state.
 - B. In accordance with Government Code 65583.2(c)(3)(B)(iii) and the United States Census, Shasta County is designated a "suburban jurisdiction" and is assigned a "default density" of twenty residential units per acre by the state.
 - C. GPA18-0003 and ZA18-0004 are necessary actions to bring the County General Plan and the mandatory Housing Element of the Plan into compliance with State housing law, the prior adopted Shasta County Housing Element and the Stipulated Judgement rendered by Shasta County Superior Court.
 - D. GPA18-0003 and ZA18-0004 are not subject to the California Environmental Quality Act (CEQA) pursuant to a court order judgement rendered by the Shasta County Superior Court for a Stipulation for Judgement on June 29, 2018, which expressly incorporates the provisions of Government section 65759, which establish that the California Environmental Quality Act (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.
 - E. In accordance with the provisions of Government Code section 65759, the County has prepared an initial study to determine the environmental effects of the project and, as a result of the initial study, has prepared an environmental assessment with content that substantially conforms to the required content of a draft environmental impact report as set forth in Article 9 (commencing with section 15140) of Title 14 of the California Code of Regulations.
 - F. The proposed amendments to the General Plan and Zoning Maps are consistent with the objectives and policies in the Community Development Group, Chapter 7.0et seq., and with all other elements of the Shasta County General Plan.
3. The Planning Commission recommends that the Shasta County Board of Supervisors take the following actions with regard to GPA18-0003 and ZA18-0004:
- A. Conduct a public hearing.
 - B. Close the public hearing.
 - C. Find GPA18-0003 and ZA18-0004 are 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).
 - D. Adopt a resolution approving the amendments to the Shasta County General Plan Map pursuant to General Plan Amendment GPA18-0003.

- E. Introduce, waive the reading of and enact an ordinance amending the Shasta County Zoning Map pursuant to Zone Amendment ZA18-0004.

DULY PASSED this 23rd day of August, 2018, by the following vote:

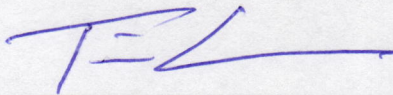
AYES: MACLEAN, CHAPIN, KERNS, RAMSEY, WALLNER

NOES:

ABSENT:

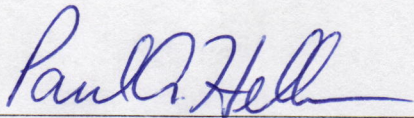
ABSTAIN:

RECUSE:



TIM MACLEAN, Chairman
Planning Commission
County of Shasta, State of California

ATTEST:



PAUL HELLMAN, Secretary
Planning Commission
County of Shasta, State of California