

**ORDINANCE NO. 378-\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA AMENDING ORDINANCE NUMBER 378, THE ZONING ORDINANCE OF THE COUNTY OF SHASTA, A PORTION OF THE ZONING PLAN (ZONE AMENDMENT 22-0008 – BAR OVER HEART ENTERPRISES, LLC)**

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

SECTION 1. The following described real property is hereby rezoned from the Light-Industrial combined with Design Review (M-L-DR) zone district to the General Industrial combined with Design Review (M-DR) zone district as shown on Exhibit A, attached hereto and incorporated herein.

Burney Area – Approximately 55 acres of land on the east side of Black Ranch Road, at the intersection of Black Ranch Road and State Highway 299 East in Burney, CA 96073 (Assessor's Parcel Numbers (APNs) 028-370-028 and 030-390-070 as these APNs are assigned for purposes of the 2023 Assessment Roll), T.35N., R.3E., portions of Sections 9 and 16.

SECTION 2. The Board of Supervisors adopts the California Environmental Quality Act (CEQA) determination of a Mitigated 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; and
- B. A Mitigated Negative Declaration has been prepared and circulated to the State Clearinghouse (SCH#2023070441) 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 Mitigated Negative Declaration, 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 3. This ordinance shall be operative upon the following conditions having been completed:

- A. 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), section 15075, and shall also pay the appropriate fees pursuant to Fish and Wildlife Code Section 711.4 (AB3158). The fees shall be collected by the Shasta County Department of Resource Management within thirty days of the passage of this Ordinance.

If any one or more of the conditions set forth herein is not timely completed, then this ordinance shall have no force or effect.

SECTION 4. The following regulations shall apply to this Design Review (DR) district:

- A. Intent: The standards of this Design Review (DR) combining district are intended to ensure compatibility with surrounding land uses, and to promote development that features a variety of amenities and design features and to encourage creative approaches to the use of land and related physical development.
- B. Specific Development Standards: The DR Specific Development Standards are designed to augment and exceed General Development Standards listed in Chapter 17.84 of the Shasta County Zoning Plan where applicable. All other development standards provided by Chapter 17.84 of the Shasta County Zoning Plan remain in full force and effect.

LANDSCAPING:

- 1) Parking areas abutting public streets shall be landscaped to a depth of fifteen feet, measured from the abutting street right-of-way line with openings for walkway and/or driveway purposes, in accordance with county standards.
- 2) A minimum of ten percent of the gross lot area used for off-street parking and access thereto shall be landscaped, exclusive of any landscaped strip abutting the street right-of-way or area used for walkways or driveways. This required landscaping shall consist of one tree, of a species suited to the area climate zone, for every four parking spaces or as many as needed to provide shading over 30 percent or more of parking and pedestrian areas within ten years after completion of the project.
- 3) All landscape plantings required for the project or otherwise proposed to be used to meet landscaping standards and conditions should be California native species common to the Burney area or, whether California native or non-native species, shall be similar in form and appearance to California native species common to the Burney area.

### BUILDING DESIGN

- 1) All proposed buildings and structures shall utilize exterior finishes of neutral or earthtone colors and, where feasible, shall incorporate exterior architectural finishes of wood and/or stucco, stone, tile, and similar materials to the extent that said building and structures incorporate at least two or more architectural materials or coatings of neutral or earthtone color. Exterior finishes of all proposed building and structures shall be architecturally compatible and cohesive to the extent that a consistent theme is established among the proposed buildings and structures that considers and is compatible with the landscape of the surrounding area. Non-glare roofing materials are required.
- 2) All proposed buildings shall incorporate a parapet wall on the back, sides, and front of the building or other architectural feature, designed to screen common roof-mounted equipment such as air conditioning units and vents, excepting solar equipment and towers, flagpoles, chimneys, smokestacks, and antennas or similar structures integral the operation of the industrial use from all views.

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 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