

STAFF REPORT

BOARD MEETING DATE: October 17, 2023

CATEGORY: Scheduled Hearings 16

SUBJECT: Take the following actions: (1) Conduct a public hearing; (2) find that the Negative Declaration previously adopted for Zone Amendment 05-009 (Tatom 2001 Trust) is adequate and that no further documentation is required pursuant to the California Environmental Quality Act (CEQA); (3) adopt the recommended findings listed in Planning Commission Resolution 2023-014; and (4) introduce, waive the reading of, and enact an ordinance to change the zoning of a 2.38-acre parcel located at the southeast corner of the intersection of Old Forty-Four Drive and Cedro Lane, Palo Cedro, CA 96073 (Assessor's Parcel Number (APN) 059-090-043 as this APN is assigned for purposes of the 2023 Regular Assessment Roll) from the Rural-Residential (R-R) zone district to the Community Commercial combined with Design Review (C-2-DR) zone district.

DEPARTMENT: Resource Management

SUPERVISORIAL DISTRICT #: 3

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

STAFF REPORT APPROVED BY: Paul A. Hellman, Director of Resource Management

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

RECOMMENDATION

Take the following actions: (1) Conduct a public hearing; (2) find that the Negative Declaration previously adopted for Zone Amendment 05-009 (Tatom 2001 Trust) is adequate and that no further documentation is required pursuant to the California Environmental Quality Act; (3) adopt the recommended findings listed in Planning Commission Resolution 2023-014; and (4) introduce, waive the reading of, and enact an ordinance to change the zoning of a 2.38-acre parcel located at the southeast corner of the intersection of Old Forty-Four Drive and Cedro Lane, Palo Cedro, CA 96073 (Assessor's Parcel Number (APN) 059-090-043 as this APN is assigned for purposes of the 2023 Regular Assessment Roll) from the Rural-Residential (R-R) zone district to the Community Commercial combined with Design Review (C-2-DR) zone district.

DISCUSSION

The Planning Commission reviewed this item on August 24, 2023. By a 3-0 vote, the Commission recommended that the Board of Supervisors approve Zone Amendment 05-009. The resolution adopted by the Commission is attached.

General Plan & Zoning – The project site is in the Commercial (C) general plan land use designation and Rural Residential (R-R) zone district. The proposed Community Commercial (C-2) zone district provides a wide range of facilities for the sale of goods and provision of personal services. It generally is applied to either the commercial portions of town centers or to other shopping centers. The Design Review (DR) zone district is intended to be combined with any principal district for one or more of the following purposes: 1) To protect areas having unique environmental, physical, historical or scenic features; 2) to promote design and architectural features that are consistent with adopted community design guidelines for the area or general design review standards, as applicable; 3) to encourage integrated approaches to the use of land and related physical development; 4) to ensure compatibility with surrounding land uses; and 5) to protect the public's health and safety. The proposed C-2-DR zone district is consistent with the site's C general plan land use designation.

Access & Services – Access to the site is from Cedro Lane. Pacific Gas and Electric provides electric utility services to the area.

Police protection is provided by the Shasta County Sheriff's Office and fire protection services are provided by the Shasta County Fire Department. Wastewater service is provided by Shasta County Community Service Area (CSA) # 8. Domestic water would be from an on-site well. Waste Management provides solid waste disposal service to the area.

Project Analysis – On March 8, 2005, Palo Cedro Park Estates Investments, Inc. applied to rezone the project site from R-R to C-2-DR in conjunction with a general plan amendment to change the land use designation of the site from Rural Residential A (RA) to Commercial (C). On October 18, 2005, following the Planning Commission's recommendation for approval, the Board of Supervisors conducted a public hearing, adopted a Negative Declaration pursuant to the California Environmental Quality Act, made specific findings and by a 5-0 vote approved the proposed general plan amendment and zone amendment. No one spoke in opposition to the proposed amendments during the public hearing conducted by the Board. The current trustee of the property was a principal of the original applicant and the applicant's representative at that time.

The record shows staff was waiting on the applicant to remit payment of Notice of Determination and Department of Fish and Wildlife (CDFW) California Environmental Quality Act filing fees before scheduling a procedural second reading of the ordinance which would have led to enactment of the ordinance. This procedure was consistent with the County's standard practice at the time. The County has since modified its practice with respect to zone amendments which avoids the need for a second reading of such ordinances.

The general plan amendment submitted in conjunction with the rezoning took effect upon its approval by the Board in 2005. The current R-R zoning for the property is inconsistent with the property's general plan land use designation and must therefore be corrected as required by State law. Because of the significant amount of time that has passed since the introduction of the subject ordinance in 2005, it is legally necessary for the proposed rezoning to be reconsidered by the Planning Commission and the Board rather than for the Board to consider a second reading of the ordinance.

The surrounding land uses include residential uses to the north and east of the project site, Palo Cedro Park to the south, and a gas station/convenience market and undeveloped commercial property to the west. The project site is level and populated with grasses and oak trees. Circumstances under which the project is to be carried out are substantially the same today as they were in 2005. Some new commercial development has occurred in the Palo Cedro commercial core, including a Dollar General retail store, but most commercial development has occurred at existing commercially developed properties either as new construction, like the Rite Aid retail store, or by tenant improvements to existing buildings. Additionally, residential uses to the east that were under construction in 2005 have been completed.

The proposed C-2-DR zone district would ensure compatibility with surrounding land uses and promote development that features a variety of amenities and design features. The proposed C-2-DR zone district addresses screening for roof-mounted equipment, building materials, and materials used for the required masonry concrete zone wall to separate the commercial project site from the abutting residential district. Materials of stone, stucco, and tile are recommended for the zone wall and buildings. Landscaping requirements would provide shading over 30 percent or more of parking and pedestrian areas at tree maturity and would provide for enhanced landscaping at the project site. The DR zone district requires that an administrative or discretionary use permit be issued prior to proposed development. The use permit process will serve as the review process for the proposed development, including building elevations, colors, materials, and architectural style. Landscaping plans will also be reviewed including type, number, and location of plants.

Environmental Determination - A Negative Declaration was adopted for Zone Amendment 05-009/General Plan Amendment 05-004 by the Board in 2005 in accordance with the California Environmental Quality Act (CEQA). There have been no substantial changes proposed in the project which would require major revisions to the previously adopted Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There have been no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions to the previously adopted Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previously adopted Negative Declaration was adopted. Therefore, pursuant to State CEQA Guidelines section 15162, Zone Amendment 05-009 does not warrant recirculation of the previously adopted Negative Declaration, preparation of a subsequent Negative Declaration, or an addendum to the previously adopted Negative Declaration.

ALTERNATIVES

The following alternatives are available: (1) Deny the zone amendment; or (2) continue review of the application for additional

information. Denial of the zone amendment is not advisable since the zoning of the subject property would continue to be inconsistent with the County's general plan in violation of State law. Pursuant to California Government Code subsection 65860(c), "In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan,...the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended." The inconsistency of the property's zoning with the general plan resulted from a general plan amendment without a corresponding amendment to the zoning ordinance in 2005.

OTHER AGENCY INVOLVEMENT

County Counsel has approved the draft ordinance as to form. The County Administrative Office has reviewed this recommendation.

FISCAL IMPACT

No fiscal impact would result from the approval of this project.

ATTACHMENTS:

- 1: Draft Ordinance
- 2: Proposed Zone District Map (Exhibit "A")
- 3: Planning Commission Resolution 2023-014
- 4: Location Map
- 5: Project Aerial
- 6: General Plan Map
- 7: Existing Zone District Map
- 8: Initial Study/Negative Declaration for Zone Amendment 05-009/General Plan Amendment 05-004