



PLANNING DEPARTMENT COUNTY OF TEHAMA

STAFF REPORT

DATE: July 20, 2017

TO: Tehama County Planning Commission

FROM: Kristen Maze, Director of Planning

SUBJECT: **CONSIDER RECOMMENDING THE APPROVAL OF REZONE #16-06 (TEHAMA COUNTY GENERAL PLAN IMPLEMENTATION PHASE 3-JELLYS FERRY/ADOBE RD.) TO THE BOARD OF SUPERVISORS FOR ADOPTION**

BACKGROUND:

In 2009 Tehama County completed its 2009-2029 General Plan Update. Pursuant to the provisions of state law, the zoning code must be amended as necessary within a reasonable time after adoption or amendment of a General Plan. This is to ensure consistency of the zoning code with the direction and intent of the General Plan. Therefore, staff rezoned most of the agriculturally related properties in 2012 resulting in the adoption of General Plan Implementation Phase 1 (Rezone #11-03). Following the adoption of Rezone #11-03 (General Plan Implementation Phase 1), staff began the development of a second phase of rezoning to address other General Plan policies including those affecting residential, industrial, and commercially zoned properties, as well as timber resource lands, and other areas. The preparation for the next series of revisions was expected to commence near the end of 2012, contingent upon adequate staffing and budget resources. Despite various staff turnover, the Planning Department has completed a number of Rezones including Rezone #15-07 which removed the MH; Mobile Home Combining District from Rancho Tehama Reserve and Rezone #16-03 (General Plan Implementation Phase 2). Rezone #15-07 was adopted by the Board of Supervisors on April 26, 2016, Rezone #16-03 was adopted August 2, 2016, and Rezone #16-02 (General Plan Implementation Phase 2.5) was adopted October 25, 2016. These three Rezones were finished in 2016, which then led to the January 19, 2017 Planning Commission Workshop/Discussion on Phase 3 of the General Plan Implementation process. Phase 3 of the 2009-2029 General Plan Update and Implementation process has been broken down into five projects.

Following the January 2017 Planning Commission Workshop/Discussion the Board of Supervisors adopted Rezone # 17-01 (General Plan Implementation Phase 3-Copper Ranch Rd.) on May 16, 2017 and GPA #17-01 (General Plan Implementation Phase 3- General Plan Amendment Clean-up) on June 27, 2017.

As indicated above, the County has conducted multiple workshops and public hearings regarding the various phases of the County's 2009-2029 General Plans Implementation and Countywide Rezoning efforts. It was through this process that the Board of Supervisors determined that Residential Small Lot General Plan Land Use designated areas of Rezone

#16-06; General Plan Implementation Phase 3-Jellys Ferry/Adobe Road would be proposed with a rezone zoning scheme of 10 acre minimum lot sizes (R1-A-B:435). While the Suburban residential General Plan Land Use designated areas will be proposed in this rezone with a zoning scheme of 2 acre minimum lot sizes (R1-A-B:86). Staff believes that these proposed zoning district classifications as outline and contained within Appendix A and the proposed Ordinance will meet the requirements of state law, as well as further the implementation of the 2009-2029 General Plan Update (See 2009-2029 General Plan Amendment Update Resolution No. 22-2009, Attachment A). There are approximately 16 properties and/or parcels involved within this rezone and approximately 1,486 acres of land that are affected. Approximately 1,306 acres of the project are General Plan Land Use designated as Residential Small Lot, which is proposed as an R1-A-B:435 Zoning District, and approximately 180 acres of the project are General Plan Land Use designated as Suburban with a proposed zoning of R1-A-B:86. This Rezone is necessary pursuant to the provisions of state law because the Zoning and General Plan must be consistent, which this action if adopted by the Board of Supervisors will achieve.

SUMMARY:

The fundamental premise of a General Plan is that it is a long term planning document and that development provided for in the plan is dependent on the development of the necessary infrastructure. The intent of the proposed amendment is to address the long term policies and implementation measures of the Tehama County General Plan 2009-2029. Pursuant to the provisions of state law, the zoning code must be amended as necessary within a reasonable time after adoption or amendment of a General Plan, to ensure consistency of the zoning code with the direction and intent of the General Plan (See General Plan Land Use Map, Attachment B).

The zoning code regulates land use by dividing the County into districts or “zones” and specifying the uses that are to be permitted, conditionally permitted, or prohibited within each zone. The Amended Zoning Map depicts the distribution of land uses across the County in such categories as “AG-1” or “AG-2” Agricultural Districts (Clean-up from Phase I), “C-2” or “C-3” Commercial Districts, “M-1” or “M-2” Industrial Districts, “R-1” and “RE” Residential Districts with various Combining Districts such as MH-Mobile Home Combining Districts and others. All zoning should be reflective of the use of the property that can realistically be achieved by the property owner.

PROJECT DESCRIPTION:

This is a Tehama County Planning Department project that consists of a portion of General Plan Implementation Phase 3 known as Jelly’s Ferry/Adobe Road Rezone #16-06. The General Plan Implementation Phase 3-Rezone #16-06 project includes 16 properties and/or parcels that total approximately 1,586 acres. Although only 1,486 acres of land are affected by this rezone because the remaining 100 acres in Assessor’s Parcel No. 027-020-018 are designated as Commercial, which is not part of Rezone #16-06. As indicated above, the 16 properties and/or parcels involved within this rezone and the 1,486 acres of land are designated by the General Plan Land Use Map as either Residential Small Lot or Suburban (Appendix A includes assessor parcel numbers, parcel sizes, General Plan Land Use Designation, current and proposed Zoning and a zoning map highlighting the affected parcels on an aerial image with zoning information). Rezone #16-06 is part of Tehama County’s General Plan Implementation Phase 3 process, which has not yet been brought into conformance with the intent of the 2009-2029 General Plan update. The intent of the proposed Rezone Map Amendment #16-06 is to address the policies and implementation measures of the Tehama County 2009-2029 General Plan. Pursuant to the provisions of state law, the zoning code must be amended as necessary within a reasonable time after adoption or amendment of a General Plan, to ensure consistency of the zoning code with the direction and intent of the General Plan. This Rezone will change the current zoning of

said 1,486 acres, which is UA; Upland Agriculture or with the implementation of Phase 1 is considered AG-1; Agriculture/Upland Zoning District to a R1-A-B:435 Zoning District for the Residential Small Lot Land Use Designations and R1-A-B:86 for the Suburban Land Use Designations. R1-A-B:435; One-Family Residence; Special Animal Combining; Special Building Site Combining (435,000 sq. ft., 10 acre minimum lot size) Zoning District will be consistent with the Residential Small Lot Land Use Designation. While R1-A-B:86; One-Family Residence; Special Animal Combining; Special Building Site Combining (86,000 sq. ft., 2 acre minimum lot size) Zoning District will be consistent with the Suburban Land Use Designation. If this Rezone is approved the combination of the 16 parcels could be potentially developed into approximately 230 parcels with 230 single-family dwelling units. However, an application for a subdivision and approved CEQA process would be required.

PROJECT LOCATION:

The project is located in the Jelly's Ferry Bend area, approximately 3,000 ft. southeast of Jelly's Ferry Road with portions of the project bounded by Interstate 5 on the west, the Sacramento River in the north and south along with Federal and State lands to the east. The area can generally be described as portions of Sections 29, 32 & 33 of Township 28N, Range 3W, M.D.B.&M.: APN's: 009-530-024, , 009-530-077, 009-530-075, 009-530-076, 009-530-078, 009-530-079, 009-530-080; the project area can further be described as portions of Sections 4,5,6,8 & 9 of Township 27N, Range 3W, M.D.B.&M.: APN's:027-020-018, 027-080-005, 027-020-020, 027-020-008, 027-030-015, 027-330-017, 027-030-003, 027-040-066 and 027-080-006.

GENERAL PLAN:

Please see Appendix A- Proposed Map Amendment Exhibit (Including General Plan Land Use Designations), affected properties by Assessor's Parcel Number, acreage, general plan designations along with existing and proposed zoning districts that summarizes the proposed zoning revisions.

ZONING:

This Rezone will change the current zoning of said 1,486 acres, which is UA; Upland Agriculture or with the implementation of Phase 1 is now considered AG-1; Agriculture/Upland Zoning District to a R1-A-B:435 Zoning District for the Residential Small Lot Land Use Designations and R1-A-B:86 for the Suburban Land Use Designations. The R1-A-B:435; One-Family Residence; Special Animal Combining; Special Building Site Combining (435,000 sq. ft., 10 acre minimum lot size) Zoning District will be consistent with the Residential Small Lot Land Use Designation. While R1-A-B:86; One-Family Residence; Special Animal Combining; Special Building Site Combining (86,000 sq. ft., 2 acre minimum lot size) Zoning District will be consistent with the Suburban Land Use Designation. If this Rezone is approved the combination of the 16 parcels could be potentially developed into approximately 230 parcels with 230 single-family dwelling units. However, an application for a subdivision and approved CEQA process would be required.

SURROUNDING LAND USES AND SETTING:

The sites is located in the Jelly's Ferry Bend Area, approximately 3,000 ft. southeast of Jelly's Ferry Road with portions of the project bounded by Interstate 5 on the west, the Sacramento River in the north and south along with Federal and State lands to the east. While much of this area is undeveloped there are over 290 single family dwellings west of the project area along the Interstate 5 Corridor/Wilcox Rd. and over 100 single family dwelling southeast of the project area along the Sacramento River. Lands to the north exhibit sporadic development that consist of primary large residentially zoned lots and agriculturally zoned parcels. While lands to the east are predominantly owned by State and Federal Agencies that seem to be expanding their holdings along this portion of the Sacramento River (Bend area). Two main roads serve this area that include Jelly's Ferry Road, which continues into Shasta County, and Adobe Road

which ends approximately 4 miles from Interstate 5. It should be noted that Wilcox Road connects Adobe Rd. to Interstate 5 running north and south west of Blue Tent Creek. However, there isn't any public road infrastructure that connects Adobe Rd. to Jelly's Ferry Rd. with the vicinity of the project. Blue Tent Creek acts as a land use barrier to development east of it due to the need for traffic circulation and safety. Therefore, this project area and its proposed zoning provides for the maintenance of the "status quo" in the Bend area. Within and around the community of Bend, existing croplands will be maintained and residential development is limited predominantly to a combination of rural residential large-lot and/or small-lot land uses.

In addition to the crop lands important function as an agricultural use, the vast amounts of grazing lands in this area also provide an important open space resource. Additionally, the Sacramento River is identified as an important natural resource in this planning area. In summary the proposed zoning designations of R1-A-B:435 (10 acre lot minimums) and R1-A-B:86 (2 acre lot minimums) will be consistent with the surrounding land uses that include single-family homes, row crops and open grazing land.

ENVIRONMENTAL IMPACT DETERMINATION:

The project is exempt pursuant to Public Resources Code §21083.3 and CEQA Guidelines §15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). CEQA provides that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project specific significant effects which are peculiar to the project or its site. Rezoning actions consistent with an adopted General Plan for which an EIR was certified are specifically included in this provision. Rezone No. 16-06 does not involve substantial changes that would require changes to the General Plan Update EIR. The proposed actions are consistent with the applicable General Plan Policies and are within the development densities established by the General Plan Update with the applicable land use designations. There are no environmental effects peculiar to the properties affected by this rezoning project, and the other criteria set forth in Guidelines §15183 are met.

REASONS WHY THIS PROJECT IS EXEMPT:

The amendments to the County Zoning Code and thus the Amended Zoning Map (TC 17.06.020) are being proposed to implement various policies and implementation measures of the Tehama County General Plan (2009-2029), adopted by Resolution of the Board of Supervisors (BOS) on March 31, 2009 with the Final EIR State Clearinghouse No. 2007072062.

GENERAL PLAN CONSISTENCY:

The proposed project will be consistent with the Residential Small Lot and Suburban General Plan Designations as presented within the staff report and attachments if Rezone #16-06 is approved. The Rezone would change the current UA Zoning District to an R1-A-B:435 Zoning District within the General Plans Residential Small Lot Land Use Designated areas of this project. It would also change the current UA Zoning District to an R1-A-B:86 Zoning District within the General Plans Suburban Land Use Designated areas of this project. R1-A-B:435; One-Family Residence; Special Animal Combining; Special Building Site Combining (435,000 sq. ft., 10 acre minimum lot size) Zoning District is consistent with the Residential Small Lot Land Use Designation. While R1-A-B:86; One-Family Residence; Special Animal Combining; Special Building Site Combining (86,000 sq. ft., 2 acre minimum lot size) Zoning District is consistent with the Suburban Land Use Designation. If this Rezone is approved the combination of the 16 parcels could be potentially developed into approximately 230 parcels with 230 single-family dwelling units. However, an application for a subdivision and approved CEQA process would be required.

PUBLIC NOTICE:

A public hearing notice was published in the Daily News on July 8, 2017 with the distribution of said notice mailed to property owners with a 1,000 ft. radius of the project on July 7, 2017. These notices were concerning the potential for the Planning Commissions to take certain actions for recommending the Board of Supervisors to adopt Rezone #16-06-General Plan Implementation Phase 3-Jellys Ferry/Adobe Road.

BOARD OF SUPERVISORS MEETING JUNE 20, 2017

On June 20, 2017 the Board of Supervisors considered various options related to the conversions of agriculturally zoned land to an appropriate Residential zoning that is consistent with the current General Plan Land Use Designation of Rural Residential Small Lot. The Board of Supervisors determined after public testimony through a vote of 5:0 that Residential Small Lot General Plan Land Use designated areas of Rezone #16-06;General Plan Implementation Phase 3-Jellys Ferry/Adobe Road would be proposed with a rezone zoning scheme of 10 acre minimum lot sizes (R1-A-B:435). Since the minutes are not available at this time, the public and Planning Commission are encouraged to access the audio portion of the June 20, 2017 Board of Supervisors meeting at: <http://tehamacountyca.igam2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=4507&Format=Agenda> . Please forward the time bar to 2:46:00 after hitting play for Agenda Item 23 at the 1:30 p.m. time slot.

RECOMMENDATION:

Based on the Board of Supervisors direction to staff to return the Phase 3 Rezone No. 16-06 as included in the current Appendix A and attached Ordinance, staff recommends the Planning Commission to consider taking the following actions:

- A. PUBLIC HEARING - Conduct Public Hearing to consider recommending to the Board of Supervisors approval of Rezone #16-06;**
- B. Request to recommend the Board of Supervisors adopt the Findings and Subfindings relative to CEQA as contained in Attachment "C" of the Staff Report;**
- C. Request to recommend the Board of Supervisors that Rezone #16-06 is exempt from further review under CEQA pursuant to Public Resources Code §21083.3 and CEQA Guidelines §15183 and authorize the Director of Planning to file the Notice of Exemption;**
- D. Request to recommend the Board of Supervisors adopt the Findings and Subfindings relative to the Project as contained in Attachment "C" of the Staff Report;**
- E. Request to recommend the Board of Supervisors adopt the Ordinance contained in Attachment "D" of the Staff Report and approve Rezone #16-06 with the Zoning Ordinance Map (Exhibit 1) that will add to the Tehama County Zoning Map, which will further implement the 2009-2029 Tehama County General Plan.**

ATTACHMENTS

- Attachment A** **2009-2029 General Plan Amendment Update Resolution No. 22-2009**
- Attachment B** **Land Use Map**
- Attachment C** **Findings/Subfindings**
- Attachment D** **Ordinance and Associated Zoning Ordinance Map**

APPENDIX-A Proposed Map Amendment Exhibit, including affected properties by Assessor's Parcel Number, acreage, general plan designation along with existing and proposed zoning districts