

Report and Recommendations
Reviewed and Approved



City Manager

AGENDA ITEM
City Council
November 1, 2022, Agenda

TO: Mayor and City Council,

FROM: Jessaca Lugo, City Manager
Jim Hamilton, Annuitant Planner

DATE: November 1, 2022

SUBJECT: Public Hearing re: Consideration of Ordinance and Resolutions Certifying the 2040 General Plan Final Programmatic Environmental Impact Report (FPEIR) and Adopting the 2040 General Plan Update and related Land Use Diagram.

FILE NO.: 2020-2040 General Plan Update

RECOMMENDATION:

Staff requests that the City Council review the information in the record including the staff report and attachments, open the public hearing and consider any comments received, and if determined appropriate, accept the Planning Commission recommendation that the City Council:

- Certify the Final Programmatic Environmental Impact Report prepared for the 2040 General Plan Update as completed in compliance with the California Environmental Quality Act (CEQA), including adoption of a Statement of Overriding Considerations; and
- Adopt the 2040 General Plan Update, with those modifications as stipulated in the attached ordinance and resolution.

BACKGROUND:

California state law requires each city to adopt a general plan to direct "...the physical development of the county or city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (Gov. Code § 65300). Commenced in January 2015, the General Plan Update has been prepared based on the input received at multiple community workshops and outreach efforts, and many noticed public meetings. Input and direction on the Plan has been received from the General Plan Advisory Committee, the Planning Commission and City Council, outside agencies, and the public.

Over the summer the required public review and comment period for the CEQA Environmental Impact Report, and the Draft 2040 General Plan was completed. During August and September,

the Planning Commission reviewed public comments and the contents of the EIR and the Plan at noticed public hearings.

On October 6, 2022, the Commission completed its review, and unanimously recommended Council certification of the EIR and adoption of the General Plan Update. The Commission recommendation included specific modifications and additions to the policy language in the Plan (Conservation and Public Safety Elements), as well as recommendations on modified land use designations for several properties.

2040 GENERAL PLAN UPDATE

The General Plan will apply citywide and addresses topics including land use, housing, transportation, public facilities and infrastructure, community character, public health and safety, preservation of open space, air quality, climate change and sustainability, noise, parks and recreation, economic vitality, and community governance. Once adopted, it will be the foundation upon which future land use decisions, including zoning of property, will be based.

Although, the General Plan Update includes new additions and modifications to the 1999 General Plan to reflect an expanded community vision, and new sections to achieve consistency with current state and local regulations, a large portion of the Update continues many of the goals, policies, and implementation measures of the current General Plan.

Adoption of the 2040 Update will culminate a multiple-year effort to update the 1999 Plan. This effort included the adoption of the 2020-2028 Housing Element and the 2022-2027 Local Hazard Mitigation Plan – both substantial efforts involving public outreach during the development of the Plan and circulation of the environmental review processes. These processes further refined the content and policy direction reflected in the draft 2040 General Plan.

Taken together with certification of the FPEIR and adoption of the 2040 Plan Update, the culmination of these efforts will result in a modern, comprehensive, and legally adequate General Plan. Additional detail is contained in the attachments to this report.

ENVIRONMENTAL DETERMINATION

- **Final Programmatic Environmental Impact Report (FPEIR)**

The City of Shasta Lake, as lead agency, has prepared a Draft and Final Program Environmental Impact Report (PEIR) to provide information to the public, agencies and policy makers about the potential environmental effects that could occur with implementation of the 2040 General Plan Update. CEQA requires a process through which agencies and the public can evaluate the potential environmental effects of implementing the 2040 General Plan Update (the “project”), understand the potential scale of any environmental impacts to the degree feasible, and develop measures to reduce these impacts.

The 2040 General Plan Update was developed as a “self-mitigating” General Plan. Impacts identified in the FPEIR (which incorporates the Draft PEIR) will be mitigated through application of Federal, State, and local laws and regulations; through the application of General Plan policies and programs; and through project level environmental review and mitigation that reflects the implementation of General Plan goals, policies, and actions.

In accordance with §15126.6 of the CEQA Guidelines, the EIR describes three (3) reasonable alternatives to the project (2040 General Plan Update), which could feasibly attain most of the

basic objectives of the project and might avoid or substantially lessen any of the significant effects of the project. As documented in Section 6.0 (Alternatives Analysis) of the DPEIR, three alternatives to the proposed 2040 General Plan were evaluated in accordance with §15126.6 of the CEQA Guidelines.

- **Final PEIR - Findings and Determinations/Statement of Overriding Considerations.**

In accordance with Public Resources Code (§21081) and State CEQA Guidelines (§15091), the Council must make one or more written findings addressing any potentially significant impacts associated with approval of the project. The Council must balance the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project - in this case adoption of the 2040 General Plan Update. If the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the project outweigh the unavoidable environmental effects, the adverse environmental effects may be considered "acceptable." (Cal. Code Regs. tit. 14 § 15093).

Section 5.0 of the Final PEIR "Findings of Fact and Statement of Overriding Considerations," identified that implementation of General Plan 2040 Update project could result in significant and unavoidable impacts in the following environmental areas: Air Quality; Biological Resources; Green House Gases, Climate Change, and Energy; Land Use and Planning; and Transportation. Given this circumstance, a "Statement of Overriding Considerations" has been prepared for General Plan 2040. As reflected in the FPEIR Section 6.0 "Project Alternatives", most potentially significant impacts will occur regardless of the alternative chosen, including the "no project alternative" which assumes the 1999 Plan remains in place.

The "Statement of Overriding Considerations" (Exhibit B to "EIR Certification Resolution") is a written statement explaining the specific reasons why the social, economic, legal, technical, or other beneficial aspects of adopting the Plan Update outweigh the unavoidable adverse environmental impacts and why the City is willing to accept such impacts. These reasons include:

1. An increased range of housing opportunities.
2. Increased economic opportunities.
3. An improved transportation and circulation system.
4. Improved preservation and protection of natural resources.
5. Addition of state required climate change goals, policies, and implementation actions.
6. The addition of community health and wellness goals, policies, and implementation actions.

The Statement acknowledges the significant and unavoidable impacts of the implementation of General Plan 2040 Update project, but provides findings supporting the position that General Plan 2040 conveys social, legal, economic, technological, and other benefits that outweigh such impacts. Once the General Plan Update EIR has been certified and the plan adopted, the EIR will then be used to inform and streamline CEQA review for future development projects in the City.

FISCAL IMPACTS:

General Fund and grant funds used to prepare Update.

CONCLUSION/RECOMMENDED ACTIONS

Following the close of the public hearing, Staff recommends the City Council adopt:

1. A resolution (Attachment A to the report) certifying the Final Environmental Impact Report ("FEIR") prepared for City of Shasta Lake General Plan 2040 including the exhibits to the resolution and:
 - (a) Making findings of fact related to potentially significant and significant and unavoidable environmental impacts, as analyzed in the FEIR; and
 - (b) Adopting a Statement of Overriding Considerations related to the significant and unavoidable impacts disclosed in the FEIR.
2. A resolution (Attachment B to the report) adopting the City of Shasta Lake 2040 General Plan Update and related Land Use Diagram, including the recommended text and land use diagram amendments as reflected in the exhibits to the Resolution, with any modifications or other amendments as may be made by the Council.
3. An ordinance (Attachment C to the report) adopting the 2040 General Plan Update, providing direction on the codification of the Plan, establishment of interim zoning provisions, correction of scrivener's errors, severability, and an effective date for the General Plan Update.

ATTACHMENTS:

Attachment A: Resolution certifying the Final Environmental Impact Report for the City of Shasta Lake 2040 General Plan Update

Attachment B: Resolution adopting the City of Shasta Lake 2040 General Plan Update and related Land Use Diagram, including recommended text and land use mapping modifications.

Attachment C: An Ordinance adopting and implementing the 2040 General Plan Update, and setting forth necessary future administrative actions.

- **Provided Under Separate Cover:**

Attachment D: Background on General Plan actions including revised development projections, recommended modifications and comments received.

Attachment E: Background on CEQA action including Final Environmental Impact Report.

Attachment E: Final Environmental Impact Report Findings of Fact and Statement of Overriding Considerations for the City of Shasta Lake 2040 General Plan Update.

Attachment F: City of Shasta Lake Draft 2040 General Plan Update and related errata.

Attachment G: Draft Environmental Impact Report

DISTRIBUTION:

City Council
City Attorney