

1.0 INTRODUCTION

1.1 Purpose and Content of a General Plan

Definition

A General Plan is an official document adopted by a county or city which sets forth the general, long-range policies regarding how the community's future development should occur. A General Plan primarily addresses the use of the privately and publicly owned land resources located within the government's jurisdiction. A General Plan is not a detailed, parcel-specific policy statement. Instead, it establishes a generalized pattern of future land use which provides the basis for more detailed plans.

General plans are required by State planning law which, among its findings, states:

The (State) Legislature also finds that decisions involving the future growth of the State, most of which are made and will continue to be made at the local level, should be guided by an effective planning process, including the local General Plan, and should proceed within the framework of officially approved statewide goals and policies directed to land use, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, and other related physical, social and economic development factors. (Government Code Section 65030.1)

This statement is supported by five major ideas that provide the conceptual basis for the Shasta County General Plan. These five concepts are described in detail beginning in Section 3.2 of the Plan.

Relation to Existing Land Uses

A General Plan will not always reflect the existing land use pattern, and its function should not be confused with that of an existing land use map. An existing land use map is a parcel-specific documentation of land uses as they now exist or existed at some other time. In contrast, a General Plan describes a generalized and nonparcel-specific land use pattern and it does not represent a particular point in time. Accordingly, existing land uses are not always reflected in a General Plan. In some instances, the plan may ignore individual, small-scale differences in land use and present a generalized picture which represents the dominant land use character of an area. In other instances, the plan may show the transition of an existing land use to a new, different land use. Finally, the General Plan attempts to show land use over a relatively long time period, in this case 20 years.

Relation to Zoning

The General Plan should also not be confused with the zoning ordinance map. A zoning ordinance map is a parcel-specific statement of how lands may be used in the present and the near future. As a legal instrument, the zoning map has immediate force and effect and is one of the key tools in implementing the General Plan's policies. In contrast, the General Plan is a generalized, long-term statement relating to land use and associated topics. The function of a General Plan is to provide a policy framework that must be reflected in the zoning ordinance, specific plans, and other development guidelines.

The plan should contain policies governing the location of small-scale uses; and it will be necessary to exercise judgment in interpreting these policies. The Plan will not provide automatic, locationally-precise answers in all cases, but may require interpretation of plan policies in certain instances.

Time Frame

A General Plan looks beyond the present and the immediate future and addresses some reasonable period of time. The Shasta County General Plan reflects a 20-year time period. To provide for flexibility and responsiveness to change, the Plan also requires a comprehensive review and revision at approximately five-year intervals. This periodic update will allow the Plan to always maintain at least a 20-year time frame, as shown in Table PRE-1. The last update was completed in 1998.

It must be emphasized that periodic review of the Plan is not synonymous with total overhaul. Once adopted, the Shasta County General Plan establishes a basic policy framework which must be followed. The purpose of reviewing the Plan every five years is to allow it to adjust in response to changing conditions, the availability of more recent planning data, and shifts in community values. Only under the most extraordinary circumstances, such as a major local disaster, a national emergency, or the complete failure over a long span of time to periodically review the Plan, will a thorough and total overhaul be necessary.

TABLE PRE-1								
TIME FRAME OF SHASTA COUNTY GENERAL PLAN								
1984	1989	1992	1998	2004	2010	2015	2020	2025
REVISED PLAN ADOPTED								
	2004 Review & Update							
		SUCCEEDING 5-YEAR UPDATES →						

Source: Shasta County Department of Resource Management, Planning Division, 2004

Public Policy Statement

The General Plan is a statement of public policy reflecting the aspirations and values of Shasta County residents which is adopted by their elected representatives. In keeping with California's strong tradition of local government autonomy, the General Plan charges the residents of a community with the responsibility to directly decide the particular nature and quality of their immediate living environment.

The General Plan is a mechanism by which a community may articulate its values, determine their relative importance, and assess their comparative long-term implications. There are no correct, right, or ideal general plans, but only plans which more or less reflect a particular set of values while meeting standards required by State planning laws. Once adopted, the Plan becomes the basis for day-to-day decisions by elected and appointed officials. By this means, the values reflected in the General Plan shape and form the community and the quality of life sought by its residents.

Citizen Participation

The Shasta County General Plan reflects the participation of citizens who served on the Countywide Planning Advisory Committee (CPAC) at the time of Plan adoption. After soliciting applications through a self-nominating process, the Board of Supervisors appointed 47 persons to this committee. Its representation included all geographic areas of the County and Countywide interests. Also serving on CPAC were members of the Board of Supervisors and the Planning Commission.

As previously mentioned, five-year updates of the General Plan are to be provided as a way to provide for flexibility and responsiveness to change. Because the five-year review process is not considered an overhaul or complete rewrite of the General Plan, its review should be conducted through the normal public hearing process.

Contents

Although a General Plan is primarily concerned with land use decisions, land use is intimately related to other subjects which must also be considered in the planning process and the General Plan. The subject areas which are addressed by the Shasta County General Plan are shown on Table PRE-2.

State planning law requires the inclusion of some of these elements in the General Plan and permits the inclusion of other elements at the discretion of the community. Mandatory and optional elements are indicated in Table PRE-2.

State planning law also permits the combination and grouping of elements and expressly provides that their degree of specificity and level of detail must reflect local conditions and circumstances. The Plan elements have been arranged in three element groups, as shown in Table PRE-2. The order in which these groups are presented in Part Two of the Plan does not reflect their priority, but rather a logical sequence of information presentation and policy formulation. The introduction to each Plan element specifically relates it to State planning law.

1.2 The General Plan and the Regulatory System

California law provides local governments with a variety of regulatory mechanisms and administrative procedures for implementing General Plans. These implementation tools must be based on policies contained in the Plan. Provisions of State planning law require consistency between the General Plan and its implementation programs. In order for zoning and other measures to comply with the consistency requirements, the General Plan itself must first be complete and adequate -- i.e., it must address all locally relevant issues and it must be internally consistent. A finding of consistency with an inadequate General Plan is a legal impossibility.¹ A general rule for determining whether an action is consistent with the General Plan can be stated as follows:

An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and not obstruct their attainment.²

Zoning Regulations

Government Code Section (Section) 65860 requires that the County's Zoning Ordinance be consistent with its General Plan. Consistency may be achieved only if the County has adopted a General Plan and if the various land uses authorized by the zoning ordinance are compatible with the objectives, policies, general land uses, and programs specified in such a plan. This section also requires that when the General Plan is amended, the Zoning Ordinance must likewise be amended as is necessary to maintain consistency with the Plan. Section 65566 requires that any zoning action by the County which acquires, restricts, or regulates the use of open-space land or any interest in such land must be consistent with the County's open space plan. Closely related is Section 65567 which requires that the County's open space zoning ordinance, the adoption of which is mandated by Section 65910, also be consistent with the open space plan. Section 65911 specifies an additional criterion to be applied in granting variances from the terms of an open space zoning ordinance.

TABLE PRE-2

COUNTYWIDE GENERAL PLAN ELEMENTS

ELEMENT GROUP	MANDATORY ELEMENTS	OPTIONAL ELEMENTS
PUBLIC SAFETY	SEISMIC & GEOLOGIC HAZARDS	
	FLOOD PROTECTION	
	DAM FAILURE INUNDATION	
	FIRE PROTECTION & SHERIFF PROTECTION	
	NOISE	
	HAZARDOUS MATERIALS	
RESOURCES	AGRICULTURAL LANDS	
	TIMBER LANDS	
	MINERALS	
		ENERGY
	AIR QUALITY	
	WATER RESOURCES & WATER QUALITY	
	FISH & WILDLIFE HABITAT	
		SCENIC HIGHWAYS
	OPEN SPACE AND RECREATION	
		HERITAGE RESOURCES
COMMUNITY DEVELOPMENT	COMMUNITY ORGANIZATION	
		ECONOMIC DEVELOPMENT
	HOUSING	
	CIRCULATION	
		PUBLIC FACILITIES
Source:	Shasta County Planning Division, 2004	DESIGN REVIEW

Section 65853 requires that the Planning Commission provide the Board of Supervisors with a written recommendation on a proposed zoning ordinance and all amendments of an existing ordinance. As required by Section 65855, this recommendation must include a discussion of the relationship of the proposed ordinance or amendment to the General Plan.

Subdivision Regulations

Sections 66473.5 and 66474 provide that the County shall not approve a proposed subdivision map unless it finds that the subdivision, including its design and proposed improvements, is consistent with the General Plan. Consistency may be found only when the County has adopted a Plan and the proposed subdivision is compatible with the objectives, policies, general land uses, and programs specified in the Plan.

Section 65567 requires that a subdivision map may not be approved unless it is consistent with the open space plan.

The County may require the dedication of land, the payment of in-lieu fees, or some combination of the two for park or recreational purposes as a condition of the approval of a final or parcel map, but only if the General Plan contains a recreational element and the dedicated facilities conform to definite principles and standards contained in the element (see Section 66477(d)).

Water Code Section 10910 specifies that any city or county, at the time it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act pursuant to Section 21080.1 of the Public Resources Code, shall identify any water system that is, or may become as a result of supplying water to the project identified pursuant to this subdivision, a public water system, as defined in Section 10912, that may supply water for the project. If the city or county is not able to identify any public water system that may supply water for the project, the city or county shall prepare the water assessment required by this part after consulting with any entity serving domestic water supplies whose service area includes the project site, the local agency formation commission, and any public water system adjacent to the project site.

Section 65867.5 specifies that a development agreement that includes a subdivision as defined in Section 66473.7 shall not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with the provisions of Section 66473.7. For the purposes of this section, "Subdivision" means a proposed residential development of more than 500 dwelling units, except that for a public water system that has fewer than 5,000 service connections, "Subdivision" means any proposed residential development that would account for an increase of 10 percent or more in the number of the public water system's existing service connections.

The legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, shall include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available.

Finally, the County may require the reservation of land within a subdivision for parks, recreational facilities, fire stations, libraries, or other public uses, provided such requirements are based on appropriate General Plan elements (see Section 66479).

Capital Improvements

Section 65401 authorizes the Board of Supervisors to require the preparation and submission by County officials lists of all public works projects recommended by them for study or construction during each ensuing year. This requirement also applies to special and school districts whose jurisdictions lie wholly or partially within the County. Upon submission, such lists must be integrated by the County into a coordinated program which must be submitted to the Planning Commission for review as to its conformity with the General Plan.

Section 65402 requires the Planning Commission to review the following types of public projects for conformity with applicable elements of the General Plan:

- acquisition of lands for public purposes
- disposition of public lands
- street abandonments
- authorization or construction of public buildings or structures.

Environmental Impact Procedures

Section 15063(d)(5) of the State CEQA Guidelines requires that the initial study of a project consider whether it is compatible with the General Plan. Section 15125(b) of the Guidelines provides that an EIR must discuss any inconsistencies between the proposed project and the General Plan.

Building and Housing

The State Housing Law (Health and Safety Code Sections 17910 et. seq.) requires the County to adopt regulations imposing substantially the same standards as those contained in various uniform industry codes. This law also imposes special standards, which may be more stringent than the uniform industry codes, designed to protect against certain types of hazards (fire, noise, earthquakes, unstable soils) and to achieve certain resource goals (energy conservation). The County may adopt regulations and standards which vary from those mandated by the State Housing Law if justified by local conditions. Although not explicitly required by the State Housing Law, the General Plan is an especially appropriate vehicle for documenting such local conditions and specifying the necessary regulatory response in order to justify variances from State law. Also, Government Code Section 65567 provides that building permits must be consistent with the open space element.

Government Code Section 65852.2 provides that any city or county may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones. When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this section, the application shall be considered ministerially without discretionary review or hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. A local ordinance designed to implement the provisions of this Section may, among other requirements, provide that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing General Plan and zoning designation for the lot.

Other Consistency Requirements

There are a number of other State laws which require that local government actions be consistent with the General Plan. TABLE PRE-3 as adapted from the 2003 General Plan Guidelines provides additional consistency information.

**TABLE PRE-3
GENERAL PLAN CONSISTENCY REQUIREMENTS**

Agricultural Preserves

- Government Code Section 51234: requires that agricultural preserves established under the Williamson Act be consistent with the General Plan.
- Government Code Section 51282: requires a city or county, when approving a Williamson Act contract cancellation, to make a finding that the proposed alternate use is consistent with the General Plan.

Capital Improvements

- Government Code Sections 65401 and 65402: require planning agencies to review and report on the consistency with the applicable General Plan of proposed city, county, and special district capital projects, including acquisition and disposition.
- Government Code Section 65103(c): requires planning agencies to review annually their city or county capital improvement programs and other local agencies' public works projects for consistency with the General Plan.
- *Friend of B Street v. City of Hayward* (1980) 106 Cal. App. 3d988: interprets state law as requiring consistency of governmental capital facilities projects with the General Plan.
- Government Code Section 53090, et seq., require that most public works projects undertaken by special districts, including school districts, must be consistent with local zoning, which in turn must be consistent with the General Plan. A special district governing board may render the zoning ordinance inapplicable if it makes a finding after a public hearing that there is no feasible alternative to the project (Government Code 53096). State entities are an exception to this consistency requirement (*Rapid Transit Advocates, Inc. v. Southern California Rapid Transit District* (1986) 185 Cal.App.3d 996).

Condominium Conversion

- Government Code Section 66427.2 requires that when the General Plan contains objectives and policies addressing the conversion of rental units to condominiums, any conversion must be consistent with those objectives and policies.

Development Agreements

- Government Code Section 65867.5: requires development agreements to be consistent with the General Plan.

Housing Authority Projects

- Health and Safety Code Section 34326: declares that all housing projects undertaken by housing authorities are subject to local planning and zoning laws.

**TABLE PRE-3
GENERAL PLAN CONSISTENCY REQUIREMENTS**

Low and Moderate Income Housing

- Government Code Section 65589.5(d): states that a city or county may disapprove a low or moderate-income housing project if the jurisdiction finds that the development is inconsistent with the General Plan land use designation, as specified in any element of the plan.
- Government Code Section 65863 (b) restricts the ability of a city, county, or city and county to reduce, require, or permit, through administrative, quasi-judicial, or legislative action, the residential density of any parcel to a density lower than that used by the Department of Housing and Community Development in determining compliance with housing element law unless the city, county, or the city and county makes specific written findings supported by substantial evidence as described in this section.

Large Scale Urban Development Projects

- Health and Safety Code Section 56032: requires that comprehensive development plans for large-scale urban development projects be consistent with the General Plan.

Mineral Resources

- Public Resources Code Section 2763: requires that city and county land use decisions affecting areas with minerals of regional or statewide significance be consistent with mineral resource management policies in the General Plan.
- Public Resources Code 2762 states that the General Plan must establish mineral resource management policies if the State Geologist has identified resources of statewide or regional significance within the city or county.

Use Permits

- Neighborhood Action Group v. County of Calaveras (1984) 156 Cal. App.3d 1175, provides that use permits (but not exclusively such permits) must be consistent with the local General Plan. While State statutes do not expressly require such consistency, it follows that such consistency is nevertheless required, since use permits are struck from the mold of local zoning, and zoning must conform to the adopted General Plan.

On-Site Wastewater Disposal Zones

- Health and Safety Code Section 6965: requires a finding that the operation of an on-site wastewater disposal zone created under Health and Safety Code Sections 6950 et seq. will not result in land uses that are inconsistent with the applicable General Plan.

**TABLE PRE-3
GENERAL PLAN CONSISTENCY REQUIREMENTS**

Open Space

- Government Code Section 65566: requires that acquisition, disposal, restriction, or regulation of open-space land by a city or county be consistent with the open-space element of the General Plan.
- Government Code Section 65567 prohibits the issuance of building permits, approval of subdivision maps, and adoption of open-space zoning ordinances that are inconsistent with the open-space element of the General Plan.
- Government Code Section 65910: specifies that every city and county must adopt an open-space zoning ordinance consistent with the open-space element of the General Plan.
- Government Code Section 51084: requires cities and counties accepting or approving an open-space easement to make a finding that preservation of the open-space land is consistent with the General Plan.

Integrated Waste Management

- Public Resources Code Section 41701: If a county determines that the existing capacity of a solid waste facility will be exhausted within 15 years, or if the county desires additional capacity, then the countywide siting element of the county's hazardous waste management plan must identify an area or areas, consistent with the applicable General Plan, for the location of new solid waste transformation or disposal facilities or for the expansion of existing facilities.
- Public Resources Code Section 41702: An area is consistent with the city or county General Plan if:
 - (1) The city or county has adopted a General Plan.
 - (2) The area reserved for the new or expanded facility is located in, or coextensive with, a land use area designated or authorized by the applicable General Plan for solid waste facilities.
 - (3) The adjacent or nearby land use authorized by the applicable General Plan is compatible with the establishment or expansion of the solid waste facility.
- Public Resources Code Section 41703: Except as provided in subdivision (a) of Public Resources Code Section 41710, any area or areas identified for the location of a new solid waste transformation or disposal facility shall be located in, coextensive with, or adjacent to a land use area authorized for a solid waste transformation or disposal facility in the applicable city or county General Plan.
- Public Resources Code Section 41710(a): A county may tentatively reserve an area or areas for the location of a new or expanded solid waste transformation or disposal facility even though that reservation is inconsistent with the applicable city or county General Plan. A reserved area is tentative until it is made consistent with the applicable General Plan.
- Public Resources Code Section 41711: A tentatively reserved area shall be removed from the countywide siting element if a city or county fails or has failed to find that the area is consistent with the General Plan.
- Public Resources Code Section 41720: The countywide siting element submitted to the California Integrated Waste Management Board shall include a resolution from each affected city or county stating that any areas identified for the location of a new or expanded solid waste transformation or disposal facility pursuant to Section 41701 is consistent with the applicable General Plan.

**TABLE PRE-3
GENERAL PLAN CONSISTENCY REQUIREMENTS**

Interim Classroom Facilities

- Government Code Section 65974(a)(5): Specifies that when local governments obtain the dedication of land, the payment in-lieu thereof, or a combination of both, for interim elementary or high school classroom facilities, such facilities must be consistent with the General Plan.

Park Dedications

- Government Code Section 66477: enables local governments to require as a condition of subdivision and parcel map approval of the dedication of land or a payment of fees for parks and recreational purposes if the parks and recreational facilities are consistent with adopted general or specific plan policies and standards.

Planning Commission Recommendations

- Government Code Section 65855 requires that the Planning Commission's written recommendation to the legislative body on the adoption or amendment of a zoning ordinance include a report on the relationship of the proposed adoption or amendment to the General Plan.

Project Review Under CEQA

- Title 14, California Code of Regulations, Section 15125 (b) (refer to CEQA Guidelines): requires examination of projects subject to the provisions of the California Environmental Quality Act for consistency with the General Plan.
- Public Resources Code 21080.10 and 21080.14 exempt specified housing projects from the requirements of CEQA, but only when consistent with the General Plan and meeting other criteria.

Redevelopment Plans

- Health and Safety Code Section 33331: requires every redevelopment plan to conform to the adopted General Plan.

Reservations of Land Within Subdivisions

- Government Code Section 66479: specifies that reservations of land for parks, recreational facilities, fire stations, libraries, and other public uses within a subdivision must conform to the General Plan.

Special Housing Programs

- Health and Safety Code Section 50689.5: specifies that housing and housing programs developed under Health and Safety Code Sections 50680 et seq. for the developmentally disabled, mentally disordered, and physically disabled must be consistent with the housing element of the General Plan.

**TABLE PRE-3
GENERAL PLAN CONSISTENCY REQUIREMENTS**

Specific Plans

- Government Code Section 65359: requires that a specific plan be reviewed and amended as necessary to make it consistent with the applicable General Plan.
- Government Code Section 65454: specifies that a specific plan may not be adopted or amended unless the proposed plan is consistent with the General Plan.

Street, Highway and Service Easement Abandonments

- Streets and Highways Code Section 8313: specifies that prior to vacating a street, highway, or public service easement, the legislative body must consider applicable General Plan consistency.

Transit Village Development Plan

- Government Code Section 65460.8 states that a transit village plan prepared under the Transit Village Development Planning Act of 1994 must be consistent with the city or county General Plan.

Transmission Lines

- Public Utilities Code Section 12808.5: requires cities and counties approving electrical transmission and distribution lines of municipal utility districts to make a finding concerning the consistency of the lines with the General Plan.

Source: General Plan Guidelines 2003

1.3 Organization and Use

The General Plan consists of text and maps. The text is organized into three parts. Part One - Preface; contains four sections - (1) Introduction; (2) Framework for Planning; (3) The General Plan Concept; and (4) Plan Implementation. Included in the Concept section is an overview of the General Plan concepts and diagrams illustrating these concepts.

Part Two of the Plan contains the General Plan elements which are universally applicable throughout the County. As illustrated in Table PRE-2, the Countywide Elements are organized into three groups: Public Safety, Resources, and Community Development.

Part Three of the Plan is the technical appendices that contain additional required background data for some of the Plan elements. This includes the population, housing, and employment projections and studies on air quality, noise, and housing.

In addition to these parts of the Plan, the background reports contain the data used to develop the Plan including the EIR, but which is not required to be a part of the Plan.

Key Terms

Certain key terms are used repeatedly throughout the text and their meaning is required in order to use the Plan. These key terms are described below.

A **goal** is a broad, generalized expression of commonly held community values. Since a goal is broadly stated, disagreement regarding it tends to be uncommon. **Objectives** are similar to goals and frequently the two terms are used interchangeably. As used in the General Plan, however, an objective is a more narrowly drawn and concrete expression of community intent. One goal may imply two or more objectives, each responsive to a particular aspect of a more broadly stated goal. For example, a community goal might be "Protection of natural resources." A related objective could be "Prevention of erosion which leads to loss of soils, degradation of water quality, and destruction of wildlife habitats." Other objectives related to this goal might address air quality, nonrenewable energy resources, prime agricultural lands, to cite a few.

A **policy** is a precise statement of how public regulatory powers and fiscal resources will be exercised and allocated to achieve a specific objective. Policies may be expressed in text, maps, diagrams, or some combination thereof. Since they are tangible, they often can be quantitatively measured. It is important to note that some policies are more specific than others. Examples of policies relating to the previous examples of goal and objective include, "Construction practices shall provide for the impoundment of storm waters and removal of sediment prior to discharge into creeks," and "Development shall not be permitted on highly erosive soils when slopes exceed 15% (or some other specified limit)."

The policies contained in the Plan are expressed in terms of **shall** or **should**. There is an important distinction between these two terms. As used in the Plan, "shall" indicates an unequivocal commitment, while "should" indicates a guide toward accomplishing a long-range goal.

The final link in the chain running from an objective to its physical realization is provided by **implementation**. Although implementation is commonly spoken of in terms of programs implying a long-term effort, it may be of much shorter duration and simply be referred to as a measure. In any event, implementation programs and measures are concerned with the specific actions necessary for accomplishment within a definite time. Examples of implementation programs include revision of the zoning and grading ordinances or the development standards.

Footnotes:

1. 2003 General Plan Guidelines, pg. 164 (See 58 Ops.Cal.Atty.Gen.21,24 (1975) and Neighborhood Action Group v. County of Calaveras (1984) 156 Cal.App.3d 1176, 1184)
2. Ibid, pg. 164

Unless otherwise indicated all references are to the Government Code.

This page intentionally left blank.