

3.9 Land Use and Planning

This section evaluates potential impacts on land use and planning associated with construction and operation of the proposed project. Information about the project area and the regional location was obtained from relevant plans, including the Shasta County General Plan and Shasta County Zoning Ordinance. Impacts related to growth inducement are analyzed in Chapter 4.

3.9.1 Existing Conditions

This section discusses the existing conditions in the project area.

Environmental Setting

Study Area

The study area for land use and planning comprises the project area and the nearby vicinity.

Existing Land Uses in the Project Vicinity

The project vicinity is predominantly forested land that extends in all directions from the perimeter of the project area. Land is used for timber production, rangeland, open space/recreational uses, and other rural land uses. Most of the land east and south of Hatchet Mountain is either held by private timber companies or is under the jurisdiction of Lassen National Forest. Areas of open farmland are located east of the project site. Land north and west of Hatchet Mountain is in private ownership or under the jurisdiction of the Shasta-Trinity National Forest. Adjacent land uses include recreation areas and resources such as Lassen Volcanic National Park (approximately 6 miles to the south), Shasta-Trinity National Forest (approximately 5 miles north), the Pacific Crest National Scenic Trail (approximately 5 miles east), McArthur-Burney Falls Memorial State Park (approximately 10 miles northeast), and Whiskeytown-Shasta-Trinity National Recreation Area (approximately 15 miles southwest). Lake Margaret lies approximately 1 mile east of the project area, and Lake Terry is approximately 3.5 miles south.

The communities of Burney, Moose Camp, Montgomery Creek, Wengler, Round Mountain, and Big Bend are located in the project vicinity. The southern end of the project site is approximately 7 miles west of Burney, 5 miles east of Moose Camp, 9 miles east of Montgomery Creek, 10 miles northeast of Round Mountain, and 34 miles northeast of Redding. The northern end of the project is approximately 5 miles east of Wengler and 9 miles southeast of Big Bend (Figure 2-2).

Existing Land Uses in the Project Area

The project area is located on the ridgeline of Hatchet Mountain, at the southern end of the Cascade Range in northeastern Shasta County. Hatchet Ridge is a long, broad northwest-southeast trending ridge extending north from State Route 299, the main east-west highway through northeastern Shasta County. The project site can be accessed from State Route 299 via an existing private road, Bunchgrass Lookout Road, which extends north from State Route 299 along Hatchet Ridge (Figure 2-1). Land uses on the project site consist of timber production, communications development, and associated infrastructure and access roads. Development in

the project vicinity is limited because of the terrain and predominance of timber harvesting. The area was replanted with ponderosa pine in 1996 following the Fountain Fire in 1992. Existing development on Hatchet Mountain includes a pair of parallel 230- kV transmission lines owned by PG&E, overhead and buried lower voltage electrical distribution lines, existing communication towers (the Bunchgrass and Bear Springs radio facilities), and associated access roads. The communication towers, owned and operated by Verizon, Jefferson Public Radio, and American Tower, range in height from 50 to 140 feet.

Applicable General Plan Designations and Zoning

The Shasta County General Plan land use designation for the project area and surrounding land uses within approximately 2 miles of the project site is Timberland (T) (Shasta County General Plan 2004). The communities nearest the project site are Burney, Montgomery Creek, Big Bend, and Round Mountain; all are designated as Rural Community Centers (Figure 3.9-1). General Plan land use designations in the town of Burney are Commercial (C), Urban Residential (UR), and Suburban Residential (SR). Lands immediately surrounding Burney are predominantly designated Agricultural-Croplands (AC) and Timberland (T). General Plan land use designations in the towns of Big Bend, Montgomery Creek, and Round Mountain are a combination of Mixed Use (MU) and Rural Residential A (RA). All three communities are surrounded by lands predominantly designated as Timberland (T) and Public Land (PL).

The project area and most of the surrounding area is within the Timber Production (TP) district as defined in the Chapter 17.08 of the Shasta County Zoning Ordinance (Shasta County 2003) (Figure 3.2-2). The purpose of the TP zoning district is to preserve lands devoted to and used for growing and harvesting timber and to provide for uses compatible with the growing and harvesting of timber. The TP district is equivalent to the timberland production zone (TPZ) referred to in the California Timberland Productivity Act of 1982; land within a TP district is subject to all conditions and restrictions applicable to a TPZ under the act. This district is consistent with the Timberland (T) designation in the Shasta County General Plan.

Regulatory Setting

Federal Regulations

Timber production on federal land within Shasta County, including Shasta-Trinity National Forest and Lassen National Forest, is governed by federal regulations administered by USFS. See Section 3.2, *Agricultural and Forest Resources*, for a more detailed of federal regulations related to forest management.

State Laws and Regulations

In California, private timberlands, such as those in and around the proposed project are, are governed by the Z'berg-Nejedly Forest Practice Act of 1973 and Forest Taxation Reform Act of 1976. These laws are discussed in detail in Section 3.2, *Agricultural and Forest Resources*.

Local Regulations

Shasta County General Plan

The following objectives and policies from the Shasta County General Plan are applicable to an evaluation of land use and planning impacts related to the proposed project.

6.2 Timberlands

Objectives

T-1 Preservation of timberlands suitable for forest management and production to allow for the continuation of such uses or to provide opportunities for the future establishment of such uses.

T-2 Protection of timberlands from incompatible adjacent land uses which adversely impact forest management activities.

Policies

T-a Preservation of timberland shall be achieved by the use of the Timberlands land use designation. This designation shall be applied to lands as follows:

- Lands now within a Timber Production Zone (TPZ) in accordance with the Forest Taxation Reform Act (hereinafter Act).
- Lands which may be eligible to enter into a TPZ in accordance with the Act.
- Lands not contained within either of the above categories which are suitable for timber production as shown on the adopted land use maps.
- Timber producing lands which are sold or traded to a private landowner by a federal or state agency.

T-b Timberlands within a TPZ shall be regulated as to use and subdivision as set forth in the Act. In addition to the permitted uses listed in the Act, other related and compatible uses may be conditionally permitted under applicable provisions of the County Zoning Ordinance.

6.8 Scenic Highways

Objectives

SH-1 Protection of the natural scenery along the official scenic highways of Shasta County from new development which would diminish the aesthetic value of the scenic corridor.

SH-2 New development along scenic corridors of the official scenic highway should be designed to relate to the dominant character of the corridor (natural or natural and man-made contrast) or of a particular segment of the corridor. Relationships shall be achieved in part through regulations concerning building form, site location, and density of new development.

Policies

SH-a To protect the value of the natural and scenic character of the official scenic highway corridors and the County gateways dominated by the natural environment, the following provisions, along with the County development standards, shall govern new development:

- setback requirements
- regulations of building form, material, and color
- landscaping with native vegetation, where possible
- minimizing grading and cut and fill activities
- requiring use of adequate erosion and sediment control programs

- siting of new structures to minimize visual impacts from highway
- regulation of the type, size, and location of advertising signs
- utility lines shall be underground wherever possible; where undergrounding is not practical, lines should be sited in a manner which minimizes their visual intrusion.

6.9 Open Space and Recreation

Objectives

OSR-1 Protection of the open space and recreation resources of Shasta County for the use and enjoyment by County residents both now and in the future.

OSR-2 Provision of public access to open space and recreation resources consistent with the need to protect these resources and the rights of private property owners.

7.1 Community Organization and Development Pattern

Objectives

CO-3 To guide development in a pattern that will respect the natural resource values of County lands and their contributions to the County's economic base.

CO-4 To guide development in a pattern that will minimize land use conflicts between adjacent land users.

CO-5 To guide development in a pattern that will establish an acceptable balance between public facility and service costs and public revenues derived from new development.

Shasta County Zoning Ordinance

The purpose of the TP zoning district is to preserve lands devoted to and used for the growing and harvesting of timber, and to provide for uses compatible with the growing and harvesting of timber. The TP district is equivalent to the TPZ created by the Forest Taxation Reform Act of 1976. Land within a TP district is subject to all conditions and restrictions applicable to a TPZ. This district is consistent with the Timberland (T) General Plan designation, and may also be applied to other areas that meet the criteria of this district, provided there are no conflicts with other general plan policies.

Chapter 17.08, Timber Production (TP) District

17.08.020 Permitted uses.

The following uses are permitted outright in the TP zoning district:

- A. Forest management;
- B. Grazing, beekeeping, watershed management, fish and wildlife habitat, and other uses directly incidental to and wholly compatible with the primary use;
- C. Hunting, fishing, camping and similar recreational uses not involving any permanent improvement of the land or interfering materially with the primary use;
- D. Christmas tree farm. (Prior code §5.02.030[B])

17.08.030 Uses requiring use permit.

The following uses are permitted in the TP district if a use permit is issued:

- A. Living quarters for persons fully and necessarily employed on the premises;
- B. Other uses indirectly incidental to forest management, including permanent wood processing installations;
- C. Development and use of mineral resources, such as sand, gravel, cinders, rock, ores, minerals, water and steam, for other than forest management, provided the development will not significantly detract from the use of the property for forest management. Development which will preclude forest management in limited areas and which will be restored for forest management shall not be deemed significant under this section;
- D. The erection, construction, or alteration of a gas, electrical, water or communication transmission facility, or other public improvements, in accordance with Government Code Section 51152;
- E. Processing of diatomaceous earth on a site consisting of less than three acres when the site is located within the same region and in relatively close proximity to the mining operation. (Prior code §5.02.030[C]) (Amended March 16, 1995)

3.9.2 Impact Analysis

This section describes the impact analysis relating to land use and plan consistency for the proposed project. It describes the methods used to determine the project's impacts and the thresholds of significance of those impacts. Measures to mitigate (i.e., avoid, minimize, rectify, reduce, eliminate, or compensate for) significant impacts accompany each impact discussion.

Methodology

The analysis assesses potential conflicts that could arise from proposed land use changes. Existing and future land uses are compared through the review and evaluation of existing land use information obtained from relevant plans and maps.

Thresholds of Significance

Criteria for determining the significance of impacts related to land use and planning are based on criteria set forth in Appendix G of the State CEQA Guidelines (14 CCR 15000 et seq.). The proposed project would have a significant impact related to land use and planning if it would result in any of the conditions listed below.

- Physically divide an established community.
- Conflict with applicable land use plans or policies adopted by agencies with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Introduce new land uses that would conflict with established uses within the vicinity of the project area.

- Conflict with an applicable habitat conservation plan or natural community conservation plan.

Impacts and Mitigation Measures

Existing land uses in the project area consist primarily of forested lands used for recreation and timber production. The largest nearby community is Burney, approximately 7 miles east of the project area. Because the project would not physically divide an established community, there is no impact related to physical division of an established community.

Consistency with General Plan Land Use Designations and Zoning

The project site is designated as Timberland (T) in the Shasta County General Plan and is zoned as a TP district in Section 17.08 of the Shasta County Zoning Ordinance. Land uses allowed within the Timberland (T) land use designation are the same as those allowed within the TP zoning district.

Because the proposed wind power facility is defined as a private energy production facility that would generate electrical power for public use, it is allowable within the TP zoning district with a conditional use permit (CUP) under Section 17.08.030(D) of the Zoning Ordinance, which conditionally allows the construction of “a gas, electrical, water or communication transmission facility, or other public improvements, in accordance with Government Code Section 51152.” Issuance of a CUP is contingent upon the two findings listed below.

- A. The project, as conditioned, is consistent with the objectives, policies, uses, and programs of the General Plan.
- B. The establishment, operation, and maintenance of the subject use, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.

Because the General Plan designation and zoning district conditionally allow electrical power facilities that generate electricity for public use within those designations, the project is considered to be consistent with the General Plan designation and zoning.

Consistency with General Plan Policies Relating to Land Use

The project’s consistency with scenic highways policies listed in General Plan section 6.8, Scenic Highways, are discussed in Chapter 3.1, Aesthetics and Visual Resources of this EIR. Impact AES-6 concludes that the project is generally consistent with local land use policies related to visual resources.

Shasta County General Plan Objective OSR-1 states that open space and recreation resources should be preserved for use and enjoyment by county residents, and Objective OSR-2 provides for public access to open space and recreation resources consistent with conservation goals and the rights of private property owners. Public concern has been raised over elimination of public access to the project area, which is located in a region of numerous public recreational opportunities such as Shasta National Forest, Lassen National Forest, the Pacific Crest Trail, McArthur-Burney Falls Memorial State Park, and Ahjumawi Lava Springs State Park, as well as private properties that allow recreational access. However, there is currently no conservation

easement on the project area, nor is there formal access to the project area, which is located on private land, for recreational activities. The project area is not located on public land or otherwise designated as open space or recreational land. Therefore, the proposed project would be consistent with Objective OSR-2. The project area and its immediate surroundings are held by private property owners and are not publicly owned lands that would be subject to conservation and recreation policies.

General Plan Objective CO-3 encourages development patterns that respect the natural resources of the county. The project would reduce the amount of land available for timber production by the 73-acre permanent operational impact area. However, the proposed project would be consistent with this General Plan objective because the proposed land uses would be consistent with the TP zoning district, subject to issuance of a CUP. As noted above, the County will issue a CUP only if the use will not affect adjacent land uses and there would not be conflicts with the existing land use designations on those adjacent lands.

General Plan Objective CO-4 promotes development patterns that minimize land use conflicts between adjacent land users. Land use compatibility is discussed below.

General Plan Objective CO-5 encourages development patterns that establish an acceptable balance between public facility and service costs and public revenues derived from new development. As discussed in Section 3.13, *Utilities and Service Systems*, the proposed project would construct and operate its own utilities, including water supply, energy, stormwater, and wastewater systems. Section 3.11, *Public Services*, concludes that the project would not have significant impacts on fire services and would reduce impacts on fire services through the implementation of Mitigation Measures HAZ-5, HAZ-6, HAZ-7, and HAZ-10. Consequently, the project would be consistent with Objective CO-5.

Consistency with Airport Land Use Plans

The proposed project is not within the boundaries of any airport land use plan, and the project is not located within an airport land use plan area or within 2 miles of a public airport or public use airport. The closest airport to the project is Fall River Mills Airport, approximately 20 miles away. There would be no conflicts with airport land use policies.

Potential Conflicts with Applicable Local Habitat Conservation Plan or Natural Community Conservation Plan

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans for the project area or its vicinity. The project would not conflict with any habitat conservation plan.

Impact LUP-1: Temporary (136 acres) and permanent (73 acres) conversion of timberland to developed land uses (less than significant)

The project would result in the temporary conversion of approximately 136 acres (for project construction disturbance) of timberland and the permanent conversion of approximately 73 acres of timberland to developed uses. This impact is analyzed in detail as Impact AG-1 in Section 3.2, *Agricultural and Forest Resources*.