

**CITY OF MT. SHASTA  
PLANNING DEPARTMENT  
305 No. MT. SHASTA BLVD.  
MT. SHASTA, CALIFORNIA 96067  
(530) 926-7510 Telephone (503) 926-0339 FAX**

**ZONING CODE AMENDMENT/ "REZONING"**

**PURPOSE**

The City's Zoning Ordinance classifies all property into various zoning districts which control both land uses and development standards. California state law requires zoning to be consistent with the City's General Plan. It is often possible, however, that the existing zoning which conforms to the General Plan can be changed (to a more intensive use, for instance) and still be consistent because General Plan land use designations are more broadly defined. Amendments to the General Plan may also require a subsequent rezoning to provide consistency. Unincorporated land may also be rezoned by exactly the same process as rezoning. The zoning then becomes effective upon annexation. This guide pertains to all rezoning and rezoning actions.

In reviewing a proposed change of zoning, the request is evaluated for its consistency with the General Plan and the compatibility of land use and conditions to use such as building height and surrounding development. A zoning change will be evaluated on its community-wide growth, and **not whether it increases property value**. Residential densities will not necessarily be zoned at the highest General Plan density range. The Zoning Ordinance like the General Plan represents one of the most important policy statements of the City. Any changes are reviewed very carefully by the Planning Commission and City Council. Applications for Rezoning should only be made when there are compelling reasons for the change.

**PROCESS**

**Step 1: Policy Review**

The applicant should carefully review the General Plan policy and current Zoning Code and Map to ascertain the potential for rezoning any property. A proposed zone change should be compatible with the surrounding uses and provide a logical progression for the City's development. Any approvals for land use changes must be consistent with the General Plan. Many times a rezoning also requires a General Plan Amendment.

Local utilities and other special agencies should also be contacted regarding requirements for future development in the area, if necessary.

## **Step 2: Schedule Pre-application meeting with staff.**

The City requires each applicant of actions such as rezoning to have a pre-application meeting with staff. See the handout for the pre-application meeting process. The handout is available on the web-site or at City Hall.

## **Step 3. Filing of an Application**

Applications available at City Hall or downloadable from the web-site.

The completed application is to be submitted to the Planning Department, who will review the materials to make sure all necessary items are furnished.

The application cannot be officially accepted if the submittal is incomplete. The applicant will be required to pay certain fees with the application. The application requirements are listed below.

## **Step 4: Environmental Review**

All Zoning Amendment requests are subject to the California Environmental Quality Act. Depending on the potential impacts of each project, the zoning amendment will be analyzed for potential impacts to the environment, either direct or indirect. CEQA review may take up to 3 months to conduct an initial Study, circulate the document for public review and finalize. Many times this process is longer if the project requires an Environmental Impact Report. Mitigation measures that may be applied to the project are usually expressed as conditions of approval and are incorporated into the final project.

## **Step 4: Planning Commission**

Meets the 3<sup>rd</sup> Tuesday of each month. It is advisable that applicants attend the Planning Commission meeting.

After the CEQA documents have been completed and circulated for public review, a public hearing is scheduled in front of the Planning Commission. The Planning Commission is required to hold at least one public hearing on any Zoning amendment. At least ten (10) days prior to the meeting, a notice of the public hearing will be advertised in the local newspaper. Property owners within 300 feet of the subject site will be notified by mail of the forthcoming meeting. If the zoning amendment affects a large portion of the City, the only notice may be a display advertisement of at least one-eighth page in the local paper.

At the hearing, the Chairman of the Planning Commission will explain the nature of the amendment and applicable legal provisions. The applicant or representative may then present testimony giving reasons on the need for the amendment. Since the meeting is open to the

public, neighbors or other interested parties are invited to testify (in person or in writing) in support or opposition to the request.

The Planning Commission shall submit its recommendation on the Zoning Amendment in the form of a resolution to the City Council.

### **Step 5: City Council**

Meets the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month at 7:00 p.m. in Council Chambers of the Mt. Shasta Community Center, 629 Alder Street.

Upon receipt of a Planning Commission recommendation, the City Council will schedule a public hearing. The same legal notifications as were provided for the Planning Commission consideration are required for the Council hearing.

At its meeting the City Council takes into consideration the public testimony, Planning Commission recommendation, and environmental information.

Following receipt of public testimony, the City Council may (1) close the public hearing and make its decision (2) continue the time the place, or (3) refer the matter back to the Planning Commission for further review. The decision on approval or denial by the City Council is final. Approval will be in the form of a resolution.

#### **Relationship to Other Actions**

A change in the City's Zoning Ordinance may also require a General Plan amendment which must be processed prior to approval of the rezoning application. In most cases the processing of related applications and development plan review can be initiated by the applicant prior to final approval for the zoning to facilitate the development review process.

### **ESTIMATED TIME OF PROCESS**

The estimated time for the processing of a Zoning Amendment application will vary depending upon the complexity and magnitude of the proposal and the Staff and Planning Commission workload, but is generally estimated at follows:

- (a) Application to Environmental Review Determination
  - Negative Declaration 4 weeks
  - Environmental Impact Report 12 - 24 weeks (average)
- (b) Planning Commission decision 4 weeks minimum
- (c) City Council decision 3 - 12 weeks  
(Following Planning Commission decision)

## **APPLICATION SUBMITTAL REQUIREMENTS**

1. Application form - typed or printed - completed and signed
2. Copy of Preliminary Title Report. Title report to be prepared within last twelve months.
3. Filing Fee. Checks made payable to City of Mt. Shasta (Check with the Planning Department to assure the fee has not been amended)
4. CEQA Filing Fee.
  
5. Site Photographs. Photographs must show all elevations, topography, vegetation, landscaping, and existing on-site and adjacent structures.
6. Site Plan. 12 Copies - folded to approximately 9" x 12". Include one reproducible copy not larger than 11" x 17". Plans, drawings and maps not folded will be returned. Provide a vicinity map indicated nearby cross streets in relation to the site (need not be to scale). Plans must be clear, fully dimensioned and scaled as necessary, but combine data when possible. Site plans shall include the following:
  - a) Property dimensions and size
  - b) All existing trees on site over six (6) inches in diameter dbh and any existing significant natural features such as creeks, drainage or rock outcroppings.
  - c) Existing structures and improvements.
  - d) Label all adjacent streets or right-of-way.
  - e) Proposed structures, streets, subdivisions, or other improvements (if contemplated).

## **NOTICE TO ALL APPLICANTS**

1. Pursuant to California Fish and Game Code Section 711.4, the City of Mt. Shasta is required to collect the following filing fees for the Siskiyou County Clerk of the Board, on behalf of the California Department of Fish and Game, for the following projects:
  1. Any project for which a Negative Declaration or Mitigated Negative Declaration is prepared pursuant to the California Environmental Quality Act but having no effect on fish and wildlife: County documentary handling fee for Department of Fish and Game Certificate of Fee Exemption [Fish and Game Code Section 711(c)(d)(1)(2) & (e )].

2. Any project for which a Negative Declaration or Mitigated Negative Declaration is prepared pursuant to the California Environmental Quality Act and having some effect on fish and wildlife: [Fish and Game Code Section 711.4(d)(3)], plus a County documentary handling fee.

3. Any project for which an Environmental Impact Report is prepared pursuant to the California Environmental Quality Act and having some effect on fish and wildlife: [Fish and Game Code Section 711.4(d)(4)], plus a County documentary handling fee. Upon an environmental determination concerning your project/application by the City of Mt. Shasta, a check made payable to the Siskiyou County Clerk in the appropriate amount will be required of you before processing of your application can be completed.

***PLEASE NOTE: A PROJECT APPROVED PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS DESCRIBED ABOVE IS NOT OPERATIVE, VESTED, OR FINAL UNTIL THE FILING FEES REQUIRED UNDER SECTION 711.4 OF THE FISH AND GAME CODE.***

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APN \_\_\_\_\_

PROJECT NO. \_\_\_\_\_

**PREZONING/REZONING APPLICATION**

PLANNING DEPARTMENT

\_\_\_\_\_ Application Received  
\_\_\_\_\_ Accepted as Complete  
\_\_\_\_\_ Received By

CASHIER

\_\_\_\_\_ Application Fee  
\_\_\_\_\_ Receipt Number  
\_\_\_\_\_ Received By

APPLICANT: NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TELEPHONE / FAX # \_\_\_\_\_

OWNER: NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TELEPHONE / FAX # \_\_\_\_\_

REPRESENTATIVE: NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TELEPHONE / FAX # \_\_\_\_\_



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*PROPERTY OWNER SIGNATURE REQUIREMENT*

I hereby certify that the facts, statements, and information presented within this application are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the City of Mt. Shasta. I hereby certify that I have read and fully understand all the information required in this application form.

By signing this application, I (we) hereby authorize City, County, State and Federal agencies, requested to review this application, to enter my property for the purpose of reviewing and commenting on this application. The authorization is valid from the date of filing this application until the City formally acts to approve or deny this project.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

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Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Date

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Signature

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Printed Name

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Signature

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Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
city / State / Zip

\_\_\_\_\_  
Date



**INDEMNITY AGREEMENT**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, between the City of Mt. Shasta, a municipal corporation existing under the Constitution of the State of California (“City”) and \_\_\_\_\_, [description of applicant, individual, or as organized. . . i.e., partnership, corporation, etc.] (“Applicant”).

WHEREAS, Applicant has applied to the City for \_\_\_\_\_ [zoning change, General Plan amendment, use permit], as further described: \_\_\_\_\_ hereinafter known as the “Project” and more fully described as \_\_\_\_\_;

WHEREAS, Applicant has requested City to accept the application for the Project and to review, consider and approve the Project and to conduct environmental review and to make findings as required by the California Environmental Quality Act (CEQA); and

WHEREAS, the parties agree that it is in the best interest of Applicant and City to indemnify and hold harmless City from any and all damage, liability or loss, or claim of damage, liability or loss, connected with or arising out of the approval of the Project or any action taken or decision made by City approving the Project, supplementing the Project, placing conditions on the Project and any decision, determination or finding made concerning CEQA;

NOW, THEREFORE, in consideration of the recitals set forth above and the terms and conditions discussed below, the parties mutually agree as follows:

1. Applicant, and each of them, shall defend, indemnify and hold harmless City and its officers, agents and employees from any claim, action or proceeding hereinafter collectively known as “Action” against City, its officers, agents and employees to attack, set aside, void, annul, modify, or in any way challenge any decisions, findings, determinations, or approval made by City relating to the Project, or to impose personal liability against any agents, officers or employees of City resulting from their involvement in the Project, including any claim for private Attorney General fees claimed by or awarded to any party from the City as a result of any challenge to the Project or any action or challenge resulting from use, operation or maintenance of the Project.
2. Applicant shall reimburse City for any costs, including but not limited to attorney’s fees, consultants costs and litigation expenses incurred by City in defense of any action.
3. Applicant shall indemnify and hold harmless City from any award against the City for attorney’s fees, costs or damages arising out of or related to the City’s approval of the Project or Applicant’s operation or maintenance of the Project.
4. City shall promptly notify Applicant of any action and shall provide reasonable cooperation with Applicant in fulfillment of Applicant’s obligations and responsibilities set forth herein.

5. City, at its sole discretion, may elect to participate independently in the defense of any such action and Applicant will continue to be responsible to reimburse City's expenses. In that case, City shall make independent decisions concerning a defense of its actions and shall make good faith efforts of keeping expenses and costs associated with the defense reasonable. City will, nevertheless, cooperate with Applicant and Applicant shall cooperate with City.

6. If the City enters into a settlement agreement, Applicant shall not be required to pay or perform any settlement unless the settlement is approved by Applicant, which approval shall not be unreasonably withheld.

7. Applicant shall, before hiring counsel to defend any action, consult with City concerning the qualifications and experience of any counsel to be retained. The City will have the right to approve the attorney hired. The approval shall not be unreasonably withheld.

8. All notices under this Agreement shall be sent by certified or registered mail addressed as follows:

To Applicant:

To City:

9. This Agreement represents a full and complete understanding between the parties regarding the matters discussed herein.

IN WITNESS WHEREOF the parties hereto caused this Agreement to be executed on the date set forth above.

Dated:

CITY OF MT. SHASTA

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Dated:

APPLICANT

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*APPLICANT SIGNATURE REQUIREMENT*

I have read and understand the application guidelines and submittal requirements.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
Date