

Upper Sacramento, McCloud, and Lower Pit Integrated Regional Water Management Plan



November 25, 2013

Upper Sacramento, McCloud, and Lower Pit
Regional Water Management Group

Chapter 5: Land Use



Upper Sacramento, McCloud, and Lower Pit
Integrated Regional Water Management Plan

5. Relation to Local Land Use Planning

This section examines the relationship of local land use planning to the management of water resources in the Upper Sacramento, McCloud, and Lower Pit Region (USR). Integrated Regional Water Management (IRWM) plans are encouraged and intended to foster expanded communication between regional water management groups and land use planners to effectively integrate water management strategies with land use planning.

There are four local agencies in this Integrated Regional Water Management Plan (IRWMP) region that have land use planning jurisdiction directly relating to water management: Shasta County, Siskiyou County, the City of Dunsmuir, and the City of Mt. Shasta. Approximately 55% of the total area of the region (including state and federal lands) consists of land within Shasta County and 45% within Siskiyou County. The local jurisdiction of these counties pertaining to land use planning does not directly apply to state and federal land, although county policies may address the need for coordination with state and federal land use and resource management planning.

Both Dunsmuir and Mt. Shasta are located in Siskiyou County. As incorporated cities, they each are responsible for land use planning within their municipal limits. Both cities also have what is called a “sphere of influence” around their service areas, as designated by the Local Agency Formation Commission (described below). One aspect of a sphere of influence is that a city (or a special district when applicable) may have concerns about proposed land use within their sphere (i.e. outside but near their service areas), thereby having land use concerns which overlap with the land use jurisdiction of the county in which the city is located.

The unincorporated town of McCloud is the only community in the region with a full community services district (CSD). The town of McCloud is under the land use planning jurisdiction of Siskiyou County. All of the communities in Shasta County’s portion of the region (e.g. Castella, Lakehead, and Montgomery Creek) are unincorporated and are subject to the county’s land use planning jurisdiction. The County of Shasta has established eight county service areas (CSAs) that provide water service to several rural unincorporated communities in the county. Three of these CSAs are located in the USR: CSA No. 2 – Sugarloaf; CSA No. 3 – Castella; and CSA No. 23 – Crag View. The County of Shasta manages these CSAs and, since the communities served by these service areas are in unincorporated territory, they are also under the land use planning jurisdiction of the county.

The primary policy document for every county and incorporated city in California concerning planning for land use and related resource management is the jurisdiction’s general plan. Under California Planning Law (codified in the California Government Code, primarily § 65300 et seq.), the land use element of a general plan has the broadest scope of all general plan elements. The land use element indicates the intended future uses of land, the proposed density and intensity of development, and may also include policies and measures concerning water, wastewater, and stormwater infrastructure needed to serve existing and planned land uses. The function of a General Plan is to provide a policy framework that must be reflected in the jurisdiction’s zoning codes and ordinances, specific plans, and other development guidelines.

The land use element must be closely correlated with the other elements of the general plan, such as the housing element. Conservation elements also typically contain goals and policies for the protection of the jurisdiction’s water resources. The open space element (sometimes combined with the conservation element) may address protection of watersheds, recharge areas and other land around water sources. A safety element in the general plan is required to address public safety and hazard issues including hazards related to flooding.

Although all general plan elements need to be internally consistent, the general plan housing element has a special relationship with the land use element. Among the many content requirements for housing elements (outlined in California Government Code Section 65583) is an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment. Housing elements must also include an analysis of the relationship of zoning and public facilities and services (e.g. water and wastewater) to identified housing development areas.

Concerning the general plan conservation element, the state legislature has required that that element address provisions of bills SB 221 and SB 610. These two bills were enacted to require greater coordination and exchange of information between local land use agencies and water suppliers concerning large development projects and related plans. As described in the demographics of this IRWMP region, local communities are small in population and have experienced very slow growth. Growth of a subdivision by 20 or 30 homes in any of the local communities would be considered by many as substantial. SB 221 requires a water supply assessment for any development of 500 units or more, the equivalent in industrial development, or a development that would increase a water purveyor's customer demand by at least 10%. Depending on the location of particular new development projects, community systems may have significant physical challenges to provide adequate water and/or wastewater services to accommodate new development. Therefore, the need for coordination between land use planning and sound resource management, as addressed in general plan conservation elements, is critically important.

In addition to what is commonly considered to be land use planning, counties and cities administer local ordinances, regulations, and standards for land use development within their jurisdictions. These ordinances and development standards guide consideration and permitting of development proposals. Development standards address requirements for improvements and infrastructure, including water service and wastewater management, necessary to accommodate and support proposed development.

Use of surface or ground water for agriculture in this mountainous region is minimal. Extensive areas of this IRWMP region are designated in the general plans of both Shasta and Siskiyou counties for land uses that are predominately forest management and natural resource production in character. Land use issues in these areas typically include consideration for the protection of watersheds and the condition of streams in areas that may be affected by resource management and production. While counties provide land use designations in their general plans to support timber production on private lands, actual timber management land use and practices are regulated by administration of the California Forest Practices Act by the California Department of Forestry and Fire Protection.

Within and in closer proximity to established communities, land use planning related to water resources becomes more focused on community services and the need to protect, maintain and, in many cases, expand infrastructure to adequately provide those services relative to land uses. Small cities and community systems struggle to maintain their water systems and improve those systems to accommodate planned growth with water for domestic use, including the provision of adequate storage and flow capacity for fire protection. These jurisdictions must also maintain and, in some cases, improve and expand their wastewater systems to protect surrounding groundwater and streams, and comply with related water quality standards and regulations administered by the Regional Water Quality Control Board.

An important planning issue around some communities in the region has involved management of land uses in the vicinity of water sources. Potential contamination of springs and wells by septic tank systems or from industrial uses has been of concern in some areas such as up-gradient from Dunsuir and Mt. Shasta. Proposals and practices related to the commercial water bottling and other industries,

and the potential impacts such operations could have on community water and/or wastewater systems, have also been issues in the region. This concern was exemplified several years ago by the controversy over a proposal to bottle water acquired from the McCloud CSD. Water bottling facilities have been sited in the City of Dunsmuir, near the City of Mt. Shasta, and in the City of Weed (north of this IRWM region).

Concerning land use planning and opportunities for collaboration with water managers, this section notes the existence and related roles of Local Agency Formation Commissions (LAFCO). Both Shasta County and Siskiyou County have a LAFCO. A LAFCO is one of several decision-making governmental entities in California with the responsibility to decide boundary issues pertaining to city and county lands, including spheres of influence, and issues relating to annexations of land into a city or special district. The Local Agency Formation Commissions' current legal authority and mandate are defined by the Cortese-Knox-Hertzberg Local Government Act of 2000 (Government Code Section 56000 et seq.), with subsequent amendments. As a regulatory agency, LAFCO is charged with discouraging urban sprawl and encouraging the orderly formation and development of local agencies based on local circumstances and conditions, including the availability of water and other infrastructure. The Local Agency Formation Commissions' regulatory responsibilities include reviewing, approving or denying proposals to annex land to cities or special districts.

As a planning agency, LAFCO is charged to determine and update, at least every five years, the sphere of influence of each city and special district. In updating spheres of influence, LAFCO must prepare Municipal Service Reviews of relevant local agencies and services. As part of its review of municipal services, LAFCO is required to prepare a written statement of its determination with respect to a list of specific issues, including infrastructure needs or deficiencies. Such infrastructure includes the provision of water as well as wastewater collection and treatment.

The following notes cite some of the primary local land use planning documents and development regulations related to water resources that were considered in preparation of this IRWM Plan.

5.1 Shasta County

Shasta County's principal land use policy document is the Land Use Element of its General Plan. The core of Shasta County's General Plan was last updated comprehensively in 2004. Shasta County applies land use controls through its General Plan, along with the Zoning Plan and Subdivision Ordinance. 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 General Plan and Zoning Plan establish the amount and distribution of land allocated for different uses. The Subdivision Ordinance governs the process of creating new parcels and converting undeveloped land to building sites.

While the General Plan land use element contains most of the policies applicable to land use, other elements of the general plan include policies that directly pertain to the relationship between land use and water resource management. For example, in Shasta County's General Plan Section 6.6, Water Resources, there is the following policy:

W-c. All proposed land divisions and developments in Shasta County shall have an adequate water supply of a quantity and a quality for the planned uses. Project proponents shall submit sufficient data and reports, when requested, which demonstrate that potential adverse impacts on the existing water users will not be significant. The reports for land divisions shall be submitted to the County for review and acceptance prior to a completeness determination of a

tentative map. This policy will not apply to developments in special districts that have committed and documented, in writing, the ability to provide the needed water supply. (Shasta County 2004)

In Shasta County, the Environmental Health Division of the Department of Resource Management is responsible for ensuring that each new subdivision and residential permit application verifies an adequate supply of potable water and a sewage disposal site capable of handling and processing effluent generated from development projects. These standards are consistent with uniform state standards adopted by the Regional Water Quality Board and the State Integrated Waste Management Board as specified by the State Health and Safety Code. In a majority of residential permit applications, these standards govern the location and development of individual on-site wells, septic tanks and drain fields.

Shasta County's Zoning Code, as in all local jurisdictions, is one of the primary tools to implement the general plan. The Zoning Plan specifies development standards for development projects such as setbacks, parking requirements, height limits, and lot coverage for individual zoning districts. The Zoning Plan is periodically reviewed to ensure consistency with the policies of the general plan as required by Government Code Section 65860. Amendments are considered when needed to enhance the value of the Zoning Plan to accommodate new development.

The County's Subdivision Ordinance includes the county's official requirements governing the division of land into separate parcels for future development. The Subdivision Ordinance adheres to the requirements of the State Subdivision Map Act. The requirement for adequate roads, lot size dimensions, provisions for water supply and sewage disposal and drainage improvements are among the key factors addressed in the Subdivision Ordinance.

5.2 Siskiyou County

Siskiyou County also maintains a General Plan as required by state planning law, and the Land Use Element of Siskiyou County's General Plan contains policies pertaining to land development. The main body of the Land Use and Circulation Element was adopted in 1980, and other general plan elements were adopted at various times (e.g. Conservation Element in 1973).

The current Land Use Element does not emphasize specific land use designations (e.g. rural residential, resource management, etc.). Instead, the general approach taken by the county for land use planning is that the Land Use Element has a series of overlay maps that identify development constraint areas. The introduction to the county's Land Use Element states: "By identifying an absence of physical constraints, it also indicates where urban development may proceed without encountering known physical problems." The Land Use Element also contains various goals, objectives and policies pertaining to the development of land uses in the context of recognized development constraints.

In Siskiyou County, almost all private land in this IRWMP region is indicated as having "Woodland Productivity" constraints according to the county's General Plan Land Use Element Map 11. Some areas are indicated as having "High Suitability" for woodland productivity (site classes I and II) and some areas are indicated as "Moderate Suitability" (site classes III and IV). Siskiyou County has approved residential development in areas designated with woodland productivity constraints, indicating that such areas may accommodate development. Depending on the proposed density of development, Siskiyou County applies various local development standards to determine the necessary water and wastewater improvements.

As in Shasta County, Siskiyou County's General Plan and related development policies are implemented by various zoning codes and development regulations. Siskiyou County's Zoning Ordinance is codified as County Code Title 10, Chapter 6. The county's Subdivision Ordinance is under County Code Title 10, Chapter 4.

A community planning project has been underway for several years in and around the unincorporated community of McCloud to formulate and propose General Plan amendments in the form of an area plan. Area plans are sometimes adopted by counties as components of their General Plans to help focus policies and land use designations on communities and geographical subareas that might not otherwise receive detailed consideration in countywide General Plan elements. A local group entitled the McCloud Area Plan Committee is working with other members of the public to discuss and propose planning policies concerning land use and resource management in the vicinity of McCloud. When completed by the committee, the recommendations for the area plan will be submitted to the Siskiyou County Board of Supervisors for consideration. Before an area plan and related General Plan amendments could be considered for adoption by the Board of Supervisors, the proposed action will require public hearings and further processing by the county including review by the county planning commission and evaluation under the California Environmental Quality Act.

As noted, the core of Siskiyou County's General Plan Land Use Element dates back to 1980. The county has expressed the intent to update its General Plan, including the land use element, when it has the resources to initiate such an update. It is expected that issues concerning water resources will be an important consideration when the update is undertaken. It is not known at this time whether or to what extent the County might wish to consult or collaborate with the regional water management group (RWMG) concerning the relationship between land use planning and the regional water resources plan. During the course of preparing the IRWMP for this region, the Board of Supervisors of Siskiyou County emphasized that it objected to and would oppose any effort that might be made by the RWMG to propose policies or other provisions that could interfere, directly or inadvertently, with the county's land use and related jurisdictional authority. In preparing the IRWM plan, the RWMG has worked with the county to address such concerns by evaluating how the developing provisions of the regional plan, in draft form, may relate to the land use concerns expressed by the Board of Supervisors and help to promote mutually agreeable goals between the Siskiyou County Board of Supervisors and the USR RWMG.

5.3 City of Dunsmuir

The City of Dunsmuir General Plan Open Space and Conservation Element notes:

Dunsmuir's watershed is a valuable asset in that it provides an important economic resource (tourism) as well as the City's drinking water. Dunsmuir's drinking water is so pure that it does not require treatment, and it is a valued resource in the community. Protection and conservation of watershed resources, both groundwater and surface water, are essential. (Page 39)

As noted in the city's General Plan, development in the City of Dunsmuir is significantly constrained by topography. Being located in a river canyon with steep canyon walls, opportunities for further development and city expansion are limited. Little undeveloped land remains in the city with slopes of less than 30%. Lack of water pressure in some areas (another consequence of steep topography) is a significant development constraint. The city's General Plan clearly states concern for its water resources. It notes:

GOAL OC-3: Protection of the City's water resources.

Objective: The City's water supply and the Sacramento River running through the City are vital to the community. The City must protect the watershed in order to maintain the quality and quantity of the municipal water supply, as well as sustain fishing, recreation and scenic benefits related to water resources.

The City of Dunsmuir is concerned about land uses and potential development above its springs that could result in contamination of the city's water supply, whether or not the development is in the city limits. If such development is proposed outside the city limits, the general plan cites the need for the city to advocate its concerns and needs to Siskiyou County.

The city has been an active member of the RWMG. It is expected that the city may request RWMG assistance in addressing the relationship of local land use planning to protection of water resources in these areas.

5.4 City of Mt. Shasta

The City of Mt. Shasta's General Plan outlines the city's land use designations and the standards for building intensity and population density that are associated with each designation. The land use element also addresses related water supply issues.

Goal LU-18: Maintain a water supply and distribution system that meets drinking water standards and that serves the domestic and fire protection needs of the community.

Policy LU-18.1: Ensure that the growth of the community does not outstrip the water supply and distribution system of the City.

Concerning protection of its spring-fed water sources, especially since they are located in areas outside the city, the city's general plan includes related implementation measures:

LU-18.2(a): The City shall encourage the enforcement of all federal, state, regional and county regulations and shall enforce local regulations regarding the preservation and enhancement of water quality as it relates to the City's water sources.

LU-18.2(b): The City shall strive to protect its spring water sources by means such as preventing development (especially the use of septic tanks) within adequate buffer areas in the vicinity of its spring water sources, and/or facilitating the purchase or dedication of land or development rights in those areas.

There may be opportunities for the IRWM plan and the RWMG to assist in addressing these and similar relationships between local land use planning and water resource protection and management concerning the City of Mt. Shasta. The City of Mt. Shasta has been and is expected to continue to be an active member of the RWMG.

5.5 Shasta-Trinity National Forest

While land and resource management plans for national forests might not typically be referred to as local plans, in rural areas such as this IRWM region, land use planning practices for public lands are important and influential factors related to regional water management. The planning conducted by the Shasta-Trinity National Forest (STNF) is applicable to the subject of local land use planning in the USR. The STNF Land and Resource Management Plan (adopted in 1995) was prepared to guide

the planning and management of land use and resources on the Shasta-Trinity National Forest. The primary goals of that plan are to integrate a mix of management activities that allow use and protection of forest resources, meet the needs of guiding legislation, and address local, regional, and national issues. This federal land and resource planning program is described in more detail in the Land Use section of the Region Description.

5.6 Collaboration between Land Use Planners and Water Managers

5.6.1 Current Relationships and Overlap

The IRWM Guidelines call for each IRWM plan to document future plans to further a collaborative, proactive relationship between land use planners and water managers. In this IRWMP region, as noted above, the jurisdictions that provide water service and/or wastewater management are typically the same jurisdictions that have land use authority. Therefore, the participation of those jurisdictions with the RWMG facilitates direct collaboration. The Cities of Dunsmuir and Mt. Shasta provide water services to developments within their jurisdictions, and those cities are also responsible for land use planning and development approval within their jurisdictions. The McCloud CSD, which provides water to the unincorporated community of McCloud, works with the Siskiyou County, which has land use planning jurisdiction over that community. The county also manages the Flood Control and Water Management District. These agencies participate with the RWMG.

In Shasta County, as noted, the three CSAs are located in the unincorporated jurisdiction of the county. Since the CSAs are managed by the county, there is close coordination with related land use planning.

There are no groundwater management or irrigation districts in the region. Compared to regions having more intricate patterns of water districts and other local jurisdictions, the patterns of jurisdictional boundaries are fairly simple in the USR. There are few instances where the responsibilities of one local jurisdiction relative to water management or land use planning overlay the boundaries of another jurisdiction. One case, as pointed out, is that the boundaries of the McCloud CSD service area are within the land use jurisdiction of Siskiyou County and within the Siskiyou County Flood Control and Water Management District.

5.6.2 Future Opportunities

Opportunities for expanded collaboration may be presented by coordination of these agencies with or through the RWMG, but that particular function for the RWMG hasn't emerged in the IRWMP process as a high priority. The reason for that is that there are other forums and systems for these agencies to dialog and work together to address planning related issues, such as the LAFCO, described above. Given that LAFCO may have an important role relative to local land use planning and the water and wastewater treatment infrastructure and services needed to accommodate expansion of communities and development, the functions of these agencies should be noted and regarded by this USR IRWMP and the RWMG. Therefore, this IRWM plan considers the objective that the RWMG will coordinate and collaborate with the Shasta County LAFCO and the Siskiyou County LAFCO, as warranted and appropriate, when land use planning matters involve water management issues of mutual concern.

The RWMG, in considering water resource issues and related proposed projects, will continue to collaborate with land use planning jurisdictions by virtue of the organizational structure of and entities participating in the RWMG. In this way, the RWMG can have a better understanding of the interrelationships and implications of water resource proposals concerning the local land use planning framework. It is also expected that the RWMG will be prepared to serve as a forum to help address

planning issues related to regional water management when any of its participating agencies or organizations call attention to particular land use planning concerns. However, respecting as it does the local land use authority that is vested in particular agencies, the RWMG has not expressed an interest or intent to become involved in general land use planning concerns.



Upper Sacramento, McCloud, and Lower Pit
Regional Water Management Group

UpperSacIRWM.org



5937 Dunsmuir Avenue • Dunsmuir, CA 96025
530.235.2012 • RiverExchange.org

FORSGREN
Associates Inc.

3110 Gold Canal Drive, Ste. C • Rancho Cordova, CA 95670
916.638.1119 • Forsgren.com