



COUNTY OF SISKIYOU

COMMUNITY DEVELOPMENT DEPARTMENT
Building ♦ Environmental Health ♦ Planning
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ALLAN CALDER, AICP
DIRECTOR
STEPHEN KOLPACOFF, MD
PUBLIC HEALTH OFFICER

STAFF REPORT

MEETING DATE: February 6, 2018
TO: Siskiyou County Board of Supervisors
FROM: Britt Dveris, Senior Planner
SUBJECT: Proposed Zone Change (Z-16-03) Amending Zoning District Map 10-6.205-17, Tentative Subdivision Map (TSM-16-01) and CEQA Determination

BACKGROUND

The County has received applications to rezone approximately 31 acres of private land located north of Hilt Road and 1.5 miles west of I-5 from Prime Agricultural (AG-1) to Non-Prime Agricultural, minimum parcel size 40 acres (AG-2-B-40), and to subdivide two existing parcels comprising a total of approximately 125 acres into two resultant parcels of 40.1 and 45.1 acres each, plus a 40.1-acre remainder parcel. The subject property (APNs 006-240-600 and 620) is situated northwest of the community of Hornbrook and adjacent to the California/Oregon border in Sections 14, 22, and 23, T48N, R7W, Mount Diablo Base & Meridian (Latitude 42°00'00"N, Longitude 122°37'52"W).

The project was considered by the Planning Commission at a public hearing on December 20, 2017. Following the hearing, the Planning Commission voted 5-0 to adopt Resolution PC 2017-006, recommending that the Board of Supervisors adopt the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) prepared for the project, approve the proposed rezone (Z-16-03), and approve the tentative subdivision map (TSM-16-01).

ENVIRONMENTAL REVIEW

As noted above, an initial study was prepared for the project pursuant to the California Environmental Quality Act (CEQA) that analyzed potential impacts associated with the proposed zone change and land division. Because all potential impacts would be reduced to a less-than-significant level with the adoption of mitigation measures, a mitigated negative declaration was prepared and circulated with the initial study for a 30-day public comment period. No public comments were received.

As detailed in Resolution PC 2017-006, the Planning Commission recommends that the Board of Supervisors adopt the IS/MND and MMRP prepared for the project. Should the Board of Supervisors concur with the recommendation of the Planning Commission, the Board can adopt the IS/MND and MMRP by approving the recommended motions below.

BUILDING
Michael Crawford
Deputy Director

ENVIRONMENTAL HEALTH
Rick Dean
Deputy Director

PLANNING
Christy Cummings-Dawson
Deputy Director

RECOMMENDED ACTION

As detailed in Resolution PC 2017-006, it is the recommendation of the Planning Commission that the Board of Supervisors approve the proposed rezoning and tentative subdivision map. Should the Board of Supervisors concur with the recommendation of the Planning Commission, the Board of Supervisors must adopt an ordinance amending Zoning District Map 10-6.205-17. A draft motion to this effect is provided below.

RECOMMENDED MOTIONS

I move to take the following actions:

1. Introduce, waive, and approve the first reading of the proposed Juncal rezoning request to amend Zoning District Map 10-6.205-17; and
2. Direct the Clerk to schedule a continued public hearing on adoption of the Initial Study/Mitigated Negative Declaration (SCH No. 2017102066) and Mitigation Monitoring Reporting Program, approval of the tentative subdivision map, and a second reading of the ordinance amending Zoning District Map 10-6.205-17.

ATTACHMENTS

- A. Draft Ordinance No. _____, an ordinance of the County of Siskiyou, State of California, reclassifying approximately 31.3 acres of two parcels (APNs 006-240-600 and 620) located north of Hilt Road and 1.5 miles west of I-5 in Sections 14, 22, and 23, Township 48 North, Range 7 West, MDB&M, from Prime Agricultural (AG-1) to Non-Prime Agricultural, minimum parcel size 40 acres (AG-2-B-40).
- B. Draft Planning Commission Minute Order, dated December 20, 2017
- C. Signed Resolution PC 2017-006

T48N
R7W
S14

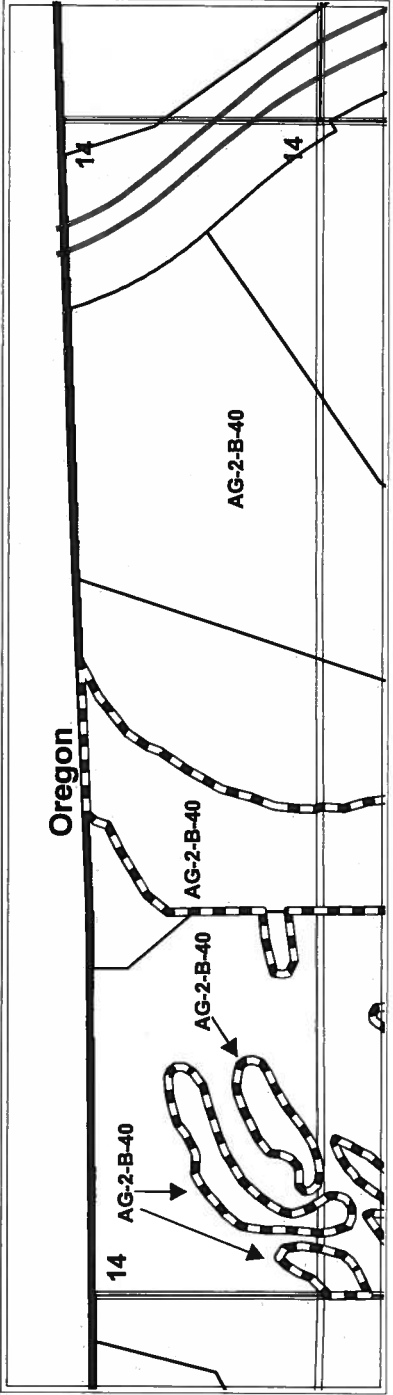
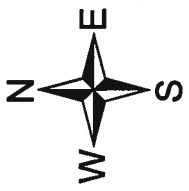
Siskiyou County Planning Division

This is to certify that this map was adopted as Sectional District Map number 10-6.205-17 of the Siskiyou County Zoning Plan on the _____ day of _____, 2018 by Ordinance number _____.

Colleen Setzer, County Clerk and
Ex-Officio Clerk of the Board of
Supervisors of Siskiyou County,
California.

This is to certify that this map was recommended for adoption as Sectional District Map number 10-6.205-17 by the Siskiyou County Planning Commission at a regular meeting thereof held on the _____ day of _____, 2018.

Allan Calder, Secretary
Siskiyou County Planning
Commission



Name: Juncal, Russell and Nora

APNs: 006-240-600 and -620

From _____ To _____
AG-1 _____ AG-2-B-40

Exhibit A-1



T48N
R7W
S22

Siskiyou County Planning Division

This is to certify that this map was adopted as Sectional District Map number 10-6.205-17 of the Siskiyou County Zoning Plan on the _____ day of _____, 2018 by Ordinance number _____.

Colleen Setzer, County Clerk and
Ex-Officio Clerk of the Board of
Supervisors of Siskiyou County,
California.

This is to certify that this map was recommended for adoption as Sectional District Map number 10-6.205-17 by the Siskiyou County Planning Commission at a regular meeting thereof held on the _____ day of _____, 2018.

Allan Calder, Secretary
Siskiyou County Planning
Commission

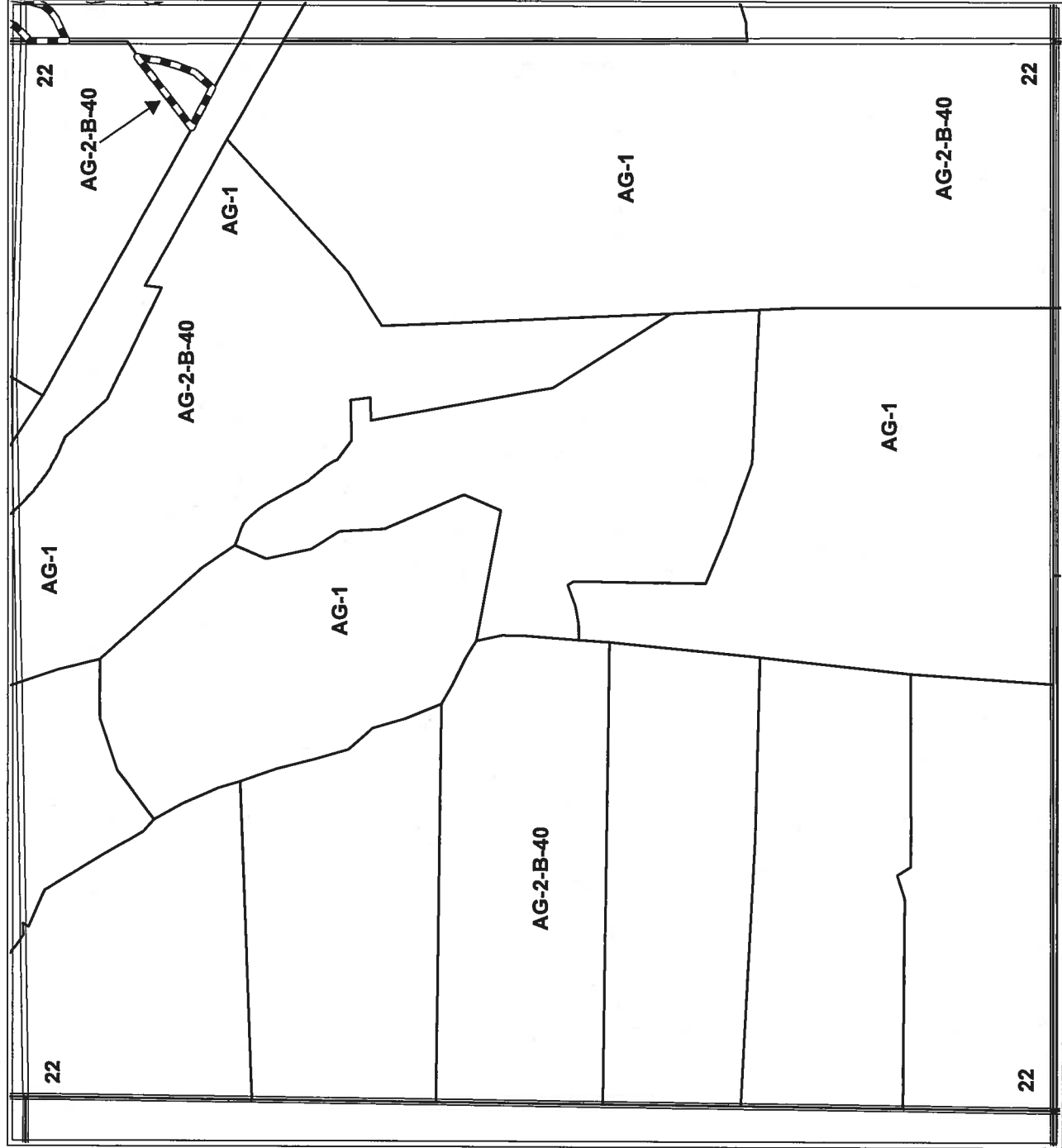


Name: Juncal, Russell and Nora

APNs: 006-240-600 and -620

From _____ To _____
AG-1 AG-2-B-40

Exhibit A-2



T48N
R7W
S23

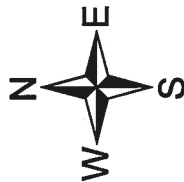
Siskiyou County Planning Division

This is to certify that this map was adopted as Sectional District Map number 10-6.205-17 of the Siskiyou County Zoning Plan on the _____ day of _____, 2018 by Ordinance number _____.

Colleen Setzer, County Clerk and
Ex-Officio Clerk of the Board of
Supervisors of Siskiyou County,
California.

This is to certify that this map was recommended for adoption as Sectional District Map number 10-6.205-17 by the Siskiyou County Planning Commission at a regular meeting thereof held on the _____ day of _____, 2018.

Allan Calder, Secretary
Siskiyou County Planning
Commission

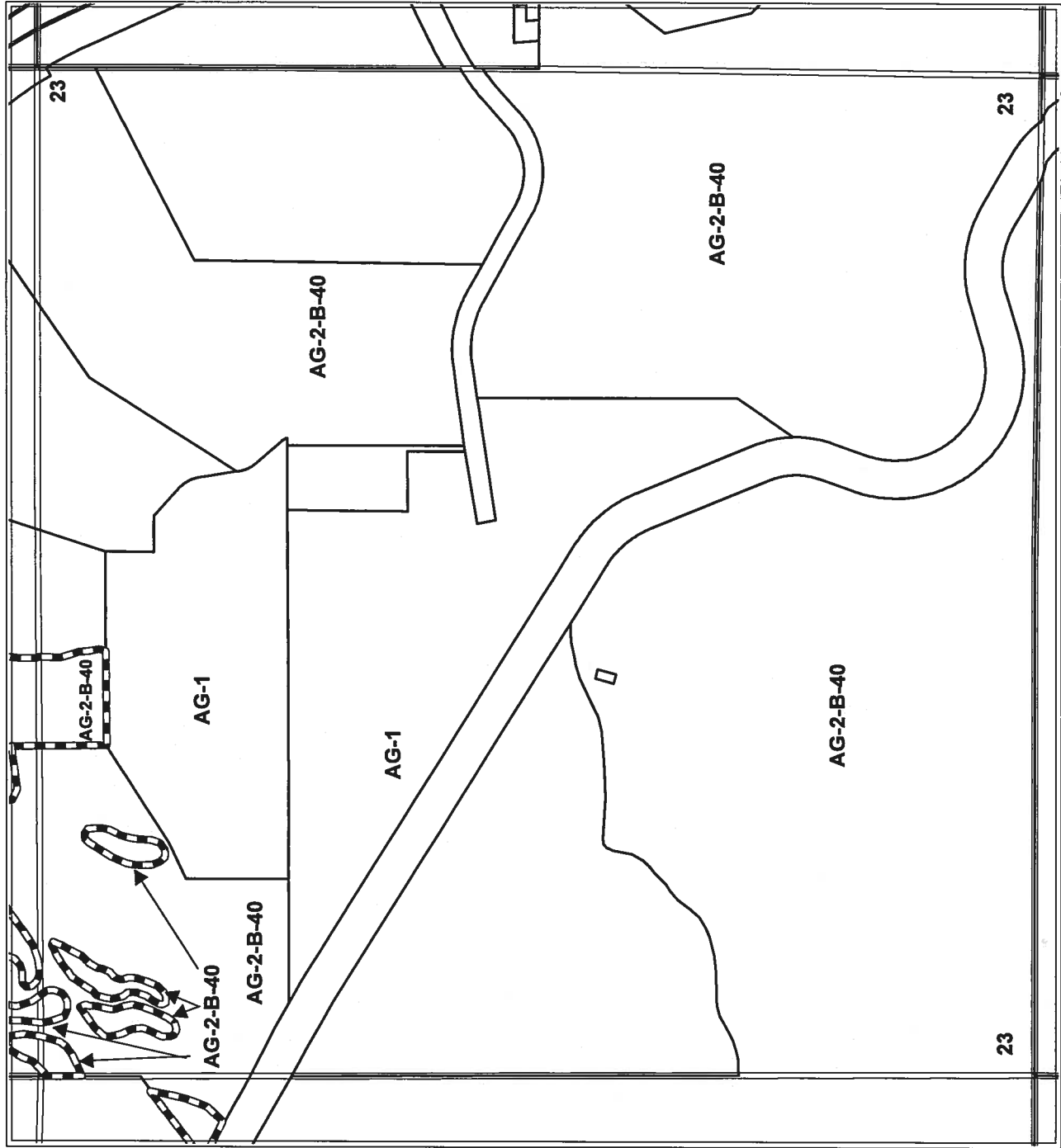


Name: Juncal, Russell and Nora

APNs: 006-240-600 and -620

From _____ To _____
AG-1 AG-2-B-40

Exhibit A-3



ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF SISKIYOU, STATE OF CALIFORNIA,
RECLASSIFYING PORTIONS OF A 43.6 ACRE PARCEL (APN 006-240-600) AND AN 82.9
ACRE PARCEL (APN 006-240-620) LOCATED ON HILT ROAD NORTHWESTERLY OF THE
COMMUNITY OF HORN BROOK AND ADJACENT TO THE CALIFORNIA-OREGON
BORDER FROM PRIME AGRICULTURAL (AG-1) TO NON-PRIME AGRICULTURAL, 40-
ACRE MINIMUM PARCEL SIZE (AG-2-B-40); PORTIONS OF SECTIONS 14, 22 AND 23 OF
TOWNSHIP 48N, RANGE 7W, MDB&M**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU, STATE OF CALIFORNIA
ORDAINS AS FOLLOWS:

SECTION I: Pursuant to Section 10-6.205 and Section 10-6.2801 *et seq.* of the Siskiyou County Code, Sectional District Map No. 10-6.205-17 is hereby amended as shown in Exhibit A attached hereto.

Said Sectional District Map Amendment No. 10-6.205-17-18-01 shall be kept on file in the Siskiyou County Community Development Department Planning Division and made available for public inspection.

SECTION II: Findings

A. Potential environmental impacts resulting from the zone change have been analyzed pursuant to the California Environmental Quality Act (CEQA) and the Board of Supervisors finds:

1. On the basis of the Initial Study (SCH# 2017102066) and comments received, there is the potential for the project (Z-16-03 and TSM-16-01) to have a significant effect on the environment; however, mitigation measures have been incorporated into the project to reduce potential environmental impacts to a level that is considered less than significant.
2. A Mitigation Monitoring and Reporting Program is adopted by reference as a condition of project approval.
3. Compliance with the Mitigation Monitoring and Reporting Program will ensure that all mitigation measures are properly implemented.
4. Consistent with CEQA Section 15074(b), the Mitigated Negative Declaration reflects the independent judgement and analysis of the Siskiyou County Community Development Department - Planning Division.
5. Because there is not substantial evidence, in light of the whole record before the County, that the project as mitigated would have a significant effect on the environment, the Board of Supervisors adopts the Initial Study/Mitigated Negative

Declaration (SCH #2017102066) in accordance with CEQA Guidelines Section 15070.

B. The zone change is in conformance with all applicable elements and policies of the Siskiyou County General Plan and Zoning Ordinance, specifically:

1. The zone change request is consistent with Siskiyou County Code Section 10-6.2801 *et seq.*
2. General Plan and County Code Consistency Findings, as detailed in the Planning Commission Staff Report dated December 20, 2017, and referenced in Planning Commission Resolution PC-2017-006 are hereby incorporated into this ordinance.

SECTION III: CONSTITUTIONALITY: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase of this ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION IV: This ordinance shall become effective thirty (30) days after its passage and shall, within 15 days after its adoption, be published once in the Siskiyou Daily News, printed and published in the County of Siskiyou.

PASSED AND ADOPTED this _____ day of _____ 2018, at a regular meeting of the Board of Supervisors of the County of Siskiyou, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ray A. Haupt, Chair
Board of Supervisors

ATTEST:
Colleen Setzer, Clerk
Board of Supervisors

By: _____
Deputy

SISKIYOU COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTE ORDER

COUNTY OF SISKIYOU

STATE OF CALIFORNIA

December 20, 2017

PRESENT: Commissioners Blair Hart, Danielle Lindler, Jeff Fowle, Dusty Veale and Tony Melo

ABSENT:

ALSO PRESENT: Christy Cummings Dawson, Deputy Director of Planning; Britt Dveris, Senior Planner; Pam Piemme, Associate Planner; Vurl Trytten, Executive Secretary; Dana Barton, Deputy County Counsel; and Jerry Lemos, Senior Environmental Health Specialist

JUNCAL ZONE CHANGE AND TENTATIVE SUBDIVISION MAP (Z1603_TSM1601)

Proposed zone change to rezone approximately 31.3 acres of a 126.5+/- acre site from Prime Agricultural (AG-1) to Non-Prime Agricultural, 40-acre minimum parcel size (AG-2-B-40); and a tentative subdivision map to subdivide 2 existing legal parcels into two parcels plus a designated remainder. The three proposed resultant parcels each have a residential dwelling served by existing on-site sewage disposal systems and water wells. A private dead-end road, to be upgraded and extended to approximately 3,200 feet in length, will provide access to the three parcels. The project site is located at 1965 and 1701 Hilt Road, in the community of Hilt, approximately 1/2 mile west of Interstate 5 on APNs 006-240-600 and -620; Township 48N, Range 7W, Portions of sections 14, 22, and 23, MDB&M (Latitude 42°00'00.0"N, Longitude 122°37'52.0"W).

**MITIGATED NEGATIVE DECLARATION
ZONE CHANGE**

**RECOMMENDING APPROVAL
RECOMMENDING APPROVAL**

STAFF REPORT:

The previously circulated Staff Report was reviewed by the Commission and a presentation of the project was provided by Senior Planner Dveris.

Mr. Dveris informed the Commission that the project was to rezone approximately 31 acres north of Hilt Road and west of I-5 from AG-1 to AG-2-B-40 and subdivide two existing parcels that total about 125 acres into two resultant parcels, one 40 acres, and the other 45 acres, plus a designated 40 acre remainder parcel. He said that the project property is bordered on the North by the State of Oregon and is located northwest of the community of Hornbrook. He showed the project location and the project zoning, pointing out the area of the rezone. He also described adjacent zoning and uses of the adjacent land within Siskiyou County California. He pointed out the proposed subdivision and showed the areas of the AG-1 zoning proposed to be changed to AG-2-B-40. He also showed the location of the residence and the second dwelling unit, and the topographic map of the project site.

Mr. Dveris explained that there are irregularly shaped areas of AG-1 zoning that the applicant claims is not prime agricultural soil pursuant to a soil survey. He said that the proposed zoning change would bring the project property into uniformity for uses and conditional uses. He said that the current use of the land is single family residential use that is already located on the property and is served by well and septic. Mr. Dveris further explained that there was a four (4) parcel subdivision in 1998 on contiguous property, which meant that this land subdivision had to be a Tentative Subdivision Map project rather than a Tentative Parcel Map project pursuant to the provisions of the Subdivision Map Act. He described that access to the property was from Hilt Road and Beehive Road, and said that the private road would be extended to 3200 feet in length to serve the new parcels. He said that the proposed lots A and B have a shared well located in Oregon. He added that fire protection was provided by the Hilt Volunteer Fire Department. He said that adjacent property owners had been notified and no comments had been received. He said that Cal Fire wanted turnarounds along Beehive Road. Commissioner Veale asked if Cal Fire wanted turnouts or turnarounds. Chair Melo commented that the fire engines need to be able to turn around. Commissioner Fowle further commented that turnarounds are typically in one location and turnouts would be in different locations along the road. Commissioner Lindler commented that there might be a need for a timber harvest plan pursuant to forest practice rules should timber be harvested on the site.

Mr. Dveris said that Fish and Wildlife had commented and recommended a 25 foot no construction area on top of the banks of ephemeral drainages, and said that a stream bed alteration agreement may be required if drainages were affected. He said Environmental Health had no objections to the proposed project. Mr. Dveris said that the project was consistent with the General Plan and with the Zoning Code per design standards and regarding permitted uses in both zoning districts. Mr. Dveris explained that the Subdivision Map Act allows a remainder parcel not intended for sale, lease or financing. Mr. Dveris explained that the applicant does not propose development at this time, but the project could lead to development and for this reason it is subject to CEQA. He said that the impact was identified and is considered to be reduced with mitigation measures and a mitigated negative declaration was prepared. He said that copies of the Initial Study and Mitigated Negative Declaration were circulated to the State Clearing House and sent out for a 30 day public review. He said that no comments were received. He said that mitigation measures were developed along with a mitigation monitoring program and they needed to be adopted. He added that staff recommended that the Planning Commission recommend the project to the Board of Supervisors for approval, and further recommend that Board adopt the mitigated negative declaration, approve the mitigation measures, approve the mitigation monitoring program; approve the zone change request, pursuant to the findings and conditions of approval; and approve the Tentative Subdivision Map pursuant to the findings, notations and conditions of approval.

Planning Commission Questions:

Commissioner Veale asked if there were other residents along Beehive Road. Associate Planner Piemme responded that Beehive Road had been developed in the prior tentative parcel map project. She added that no comment was received from Public Works.

AGENCY INPUT: None

Chair Melo opened the Public Hearing.

PUBLIC INPUT:

Russell Juncal, project applicant, spoke in favor of the project and stated that he was present to answer any and all questions. He commended the staff and said that they had been helpful and courteous. He said that there were three other people on the road immediately as it came off of Hilt Road. He said that he would be maintaining the road and he had talked to Cal Fire. He said the road has both a turnaround and turnouts. He said that the property is served by an excellent well, and as an additional measure there are water tanks with 9,000 gallons of water that can provide water. He commented on the rezoning of the mapped AG-1 soils explaining that in the soil survey the soils were mapped based on a 2nd order scale and were miss-mapped. He said that they assumed a certain slope, but there was significantly more slope when working with the topographic map.

Commissioner Veale asked why the three parcels from two parcels. Mr. Juncal responded that the reason was that he has three children.

No opponents to the project were present.

There being no further input, the Chair closed the Public Hearing.

Discussion by Commission:

Commissioner Hart asked about groundwater implications with a well in OR, because California and Oregon groundwater regulations are different. Ms. Cummings Dawson responded that she had called Oregon, but could not get a phone call back from them.

Mr. Juncal returned to the microphone and informed the Commission that he had deeded water rights in Oregon, an easement and had established his water rights in Jackson County, Oregon. He added that the deeded water rights include application in California and the water is approved for importation into California from Oregon.

MOTION: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle to adopt Resolution PC-2017-006, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Board of Supervisors Adopt the Initial Study/Mitigated Negative Declaration (SCH No. 20107102066) and the Mitigation Monitoring Reporting Program, approve the Juncal Zone Change Request (Z-16-03) and approve the Juncal Tentative Subdivision Map (TSM-16-02).

VOTED upon and the Chair declared the motion carried on the following roll call vote:

AYES: Commissioners Hart, Lindler Fowle, Veale and Melo

NOES: None

ABSENT: None

ABSTAIN: None

STATE OF CALIFORNIA
COUNTY OF SISKIYOU

I, Vurl Trytten, Executive Secretary and Clerk of the Siskiyou County Planning Commission, do hereby certify the foregoing to be a full, true and correct copy of the Minute Order of said Siskiyou County Planning Commission passed on December 20, 2017.

/s Vurl Trytten
SISKIYOU COUNTY PLANNING COMMISSION
STATE OF CALIFORNIA

DRAFT

RESOLUTION PC 2017-006

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SISKIYOU,
STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS
ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (SCH NO. 2017102066)
AND MITIGATION MONITORING REPORTING PROGRAM AND APPROVE THE JUNCAL ZONE
CHANGE REQUEST (Z-16-03) AND APPROVE THE JUNCAL TENTATIVE SUBDIVISION MAP (TSM-
16-01)**

WHEREAS, an application has been received from Russell & Nora Juncal to rezone approximately 18.3 acres of a 43.6-acre parcel (APN 006-240-600) and approximately 13.0 acres of a 82.9-acre parcel (APN 006-240-620) from Prime Agricultural District (AG-1) to Non-Prime Agricultural, 40-acre minimum parcel (AG-2-B-40), and a tentative subdivision map application to subdivide said parcels into two (2) parcels of 45.1 acres and 40.1 acres in size, plus a 40.1-acre designated remainder parcel; and

WHEREAS, a tentative subdivision map was prepared for the project as required by the Section 10-4.304 and Section 10-4.501.1 of the Siskiyou County Code; and

WHEREAS, an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) that identified the following environmental factors as being potentially affected by the proposed project: Biological Resources, Cultural Resources, Geology & Soils, Hydrology & Water Quality, and Mandatory Findings of Significance; and

WHEREAS, mitigation measures have been incorporated into the project to reduce all potential impacts to a less-than-significant level; and

WHEREAS, a Mitigated Negative Declaration was prepared in accordance with the CEQA Guidelines Section 15070(b) and thereafter circulated with the Initial Study to responsible agencies and made available for public review and comment; and

WHEREAS, comments received on the project resulted in a number of conditions of approval being recommended by staff; and

WHEREAS, all mitigation measures have been reproduced in the Mitigation Monitoring and Reporting Program prepared for use by County staff, participating agencies, project contractors, and mitigation monitoring personnel during implementation of the project; and

WHEREAS, the Planning Division presented its oral and written staff report on the Juncal Zone Change (Z-16-03) and Tentative Subdivision Map (TSM-16-01) at a regular meeting of the Planning Commission on December 20, 2017; and

WHEREAS, the Planning Division recommended the Planning Commission recommend that the Board of Supervisors adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the Juncal Zone Change (Z-16-03) and Tentative Subdivision Map (TSM-16-01) and approve Z-16-03 and TSM-16-01 subject to the notations and conditions of approval included in Attachment B-1 to this resolution; and

WHEREAS, a Notice of Public Hearing was published in the Siskiyou Daily News on December 8, 2017; and

WHEREAS, on December 20, 2017, the Chair of the Planning Commission opened the duly noticed public hearing on the Juncal Zone Change (Z-16-03), Tentative Subdivision Map (TSM-16-01)

and Draft Initial Study/Mitigated Negative Declaration (SCH No. 2017102066) to receive testimony, both oral and written, following which the Chair closed the public hearing and the Commission discussed the Draft Initial Study/Mitigated Negative Declaration, Zone Change (Z-6-03) and Tentative Subdivision Map (TSM-16-01) prior to reaching its decision.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission adopts the recommended findings set forth in Exhibit A of the written staff report; and

BE IT FURTHER RESOLVED that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit A, recommends that the Board of Supervisors adopt the Juncal Zone Change and Tentative Subdivision Map Initial Study/Mitigated Negative Declaration (SCH No. 2017102066) and MMRP and approve Z-16-03 and TSM-16-01, subject to the conditions of approval contained in Attachment B-1 to this resolution.

IT IS HEREBY CERTIFIED that the foregoing Resolution PC-2017-006 was duly adopted on a motion by Commissioner Veale and seconded by Commissioner Fowle, at a regular meeting of the Siskiyou County Planning Commission held on the 20th day of December, 2017, by the following vote:

AYES: Commissioners Hart, Lindler, Fowle, Veale and Melo

NOES:

ABSENT:

ABSTAIN:

SISKIYOU COUNTY PLANNING COMMISSION



Tony Melo, Chair

WITNESS, my hand and seal this 20th day of December, 2017.



Allan Calder, Secretary of the Commission