

RESOLUTION PC 2019-011

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SISKIYOU,
STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE THE
PRESLEY ZONE CHANGE (Z1809)**

WHEREAS, an application has been received from Ronald and Kimberly Presley to rezone approximately 430.7 acres from Prime Agricultural (AG1) and Non-Prime Agricultural, 40-acre minimum parcel size (AG2B40B40) to Timber Production Zone (TPZ); and

WHEREAS, the rezone covers a 430.7-acre site (APNs 014-340-320, 014-340-330, and 014-340-340); and

WHEREAS, the proposed rezone was reviewed pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Division recommended that the project be determined exempt from CEQA under the "common sense" rule that CEQA only applies to projects with the potential to result in a significant impact on the environment (CEQA Guidelines Sec. 15061(b)(3)); and

WHEREAS, the Planning Division presented its oral and written staff report on the Presley Zone Change (Z1809) at a regular meeting of the Planning Commission on April 17, 2019; and

WHEREAS, the Planning Division recommended the Planning Commission recommend that the Board of Supervisors adopt the above noted CEQA exemption for the Presley Zone Change (Z1809) and approve Z1809 subject to the 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 April 3, 2019; and

WHEREAS, public hearing notices were provided pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; and

WHEREAS, on April 17, 2019, the Chair of the Planning Commission opened the duly noticed public hearing on the Presley Zone Change (Z1809) and CEQA determination to receive testimony, both oral and written, following which the Chair closed the public hearing and the Commission discussed the CEQA determination and Zone Change (Z1809) 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 "common sense" exemption from CEQA for the Presley Zone Change (Z1809), and approve the zone change request subject to the notations and conditions of approval contained in Attachment B-1 to this resolution.

IT IS HEREBY CERTIFIED that the foregoing Resolution PC-2019-011 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 17th day of April, 2019, by the following roll call vote:

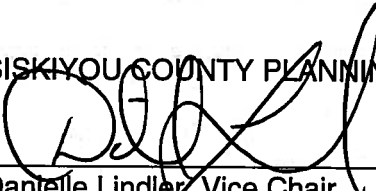
AYES: Commissioners Hart, Fowle, Veale and Lindler

NOES:

ABSENT: Commissioner Tony Melo

ABSTAIN:

SISKIYOU COUNTY PLANNING COMMISSION



Danielle Lindler, Vice Chair

WITNESS, my hand and seal this 17th day of April, 2019.



Christy Cummings Dawson, Secretary of the Commission

Exhibit "A"
Recommended Findings
Presley Zone Change (Z1809)

FINDINGS

GENERAL PLAN CONSISTENCY FINDINGS

MAP 2: SOILS: EROSION HAZARD

Policy 7. Specific mitigation measures will be provided that lessen soil erosion, including contour grading, channelization, revegetation of disturbed slopes and soils, and project timing (where feasible) to lessen the effect of seasonal factors (rainfall and wind).

No development is proposed as part of this project.

MAP 4: SEVERE SEPTIC TANK LIMITATIONS

Policy 9. The minimum parcel size shall be one acre on 0-15% slope and 5 acres on 16-29% slope.

The permitted density will not create erosion or sedimentation problems.

The project parcels are all in excess of 5 acres.

Policy 10. Single family residential, heavy or light industrial, heavy or light commercial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi public uses only may be permitted.

The permitted uses will not create erosion or sedimentation problems.

No new development is proposed as part of this project.

MAP 5: EXCESSIVE SLOPES

Policy 11. All areas with 30% or greater natural slope shall not be developed with facilities requiring septic tanks for sewage disposal.

Environmental Health does not permit septic systems on areas with 30% or greater slope. Although development of the site is not proposed with the zone change, this policy would be enforced with the review of any development applications(s) for septic system approval.

MAP 9: DEER WINTERING AREAS

Policy 28. Single family residential, light commercial, light industrial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public and quasi public uses only may be permitted.

The permitted uses will not create erosion or sedimentation problems.

No new development is proposed as part of this project.

Policy 29. The minimum parcel also permitted shall only be those as designated on the critical deer wintering area map.

Exhibit "A"
Recommended Findings
Presley Zone Change (Z1809)

The permitted density will not create erosion or sedimentation problems.

There is no new development proposed as part of this project. The existing parcels exceed the minimum required size.

MAP 10: WILDFIRE HAZARD

Policy 30. **All development proposed within a wildfire hazard area shall be designed to provide safe ingress, egress, and have an adequate water supply for fire suppression purposes in accordance with the degree of wildfire hazard.**

No development is proposed with this zone change. Should the parcels be developed with structures in the future, Cal Fire PRC 4290 requirements, as applicable, would need to be satisfied.

MAP 12: PRIME AGRICULTURAL SOILS

Policy 34. All Class I, II and III soils, and the soils that become Class III under irrigation, with the exception of Class III soils determined to be non-irrigable, are defined as prime agricultural land.

Policy 35. The minimum parcel size on prime agricultural land shall be 40 acres.

The permitted density will not create erosion or sedimentation problems.

No new development is proposed as part of this project and the parcels are all in excess of the 40-acre minimum.

COMPOSITE OVERALL POLICIES

Policy 41.3(e) All proposed uses of the land shall be clearly compatible with the surrounding and planned uses of the area.

Subsequent to the proposed zoning, the property will continue to be compatible with the surrounding Timber Production, Non-Prime Agricultural, and Rural Residential Agricultural zoning. There is no change in use of the property.

Policy 41.3(f) All proposed uses of the land may only be allowed if they clearly will not be disruptive or destroy the intent of protecting each mapped resource.

The proposed zone change would not be disruptive to the mapped resources, as discussed herein.

Policy 41.9 Buildable, safe access must exist to all proposed uses of land. The access must also be adequate to accommodate the immediate and cumulative traffic impacts of the proposed development.

Currently, access to the existing parcels is via Guys Gulch Road. The proposed zone change would not alter existing access.

Exhibit "A"
Recommended Findings
Presley Zone Change (Z1809)

Policy 41.18 Conformance with all policies in the Land Use Element shall be provided, documented, and demonstrated before the County may make a decision on any proposed development.

All applicable Land Use Element policies were analyzed for this project, as detailed herein. The project would be consistent with said policies.

ZONE CHANGE AMENDMENT AND ZONING CONSISTENCY FINDINGS

1. The proposed zone change is consistent with the applicable elements and policies of the Siskiyou County General Plan, as documented herein above.
2. The proposed zone change application is consistent with Siskiyou County Code Title 10, Chapter 6, Article 28.
3. The proposed zone change to Timberland Production District (TPZ) is consistent with existing and permitted land uses surrounding the project site.
4. The proposed zone change is compatible with the surrounding zoning of Prime Agricultural (AG1), Non-Prime Agricultural (AG2) and Timberland Production District (TPZ).
5. The existing parcels are consistent with the Timberland Production District (TPZ) district.

TIMBERLAND PRODUCTION ZONE INCLUSION – GOV'T CODE SECTION 51135.5

1. Government Code Section 51104(f) defines "timberland" as "privately owned land...which is devoted to and used for growing and harvesting of timber, or for growing and harvesting of timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre".
2. The property proposed to be rezoned to TPZ meets the definition of "timberland" per Government Code Section 51104(f).
3. The property sought to be included in the Timberland Production Zone meets the stocking standards requirements of Government Code section 51113(3)(A).

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

1. The Board of Supervisors find that there is not substantial evidence, in light of the whole record before the County, that the project would have a significant effect on the environment, and that the Board adopts a "common sense exemption" in accordance with Section 15061(b)(3) of the CEQA Guidelines and a categorical exemption pursuant to CEQA Guidelines Section 15305.
2. The Board of Supervisors has reviewed and considered the proposed project and all comments submitted and has determined that the record, as a whole, demonstrates that there is no evidence that the proposed project will have an individual or cumulatively significant effect.

Attachment "B-1" to Resolution PC 2019-011
Notations and Conditions of Approval

NOTATIONS

1. Within ten (10) days following the date of the decision of the Siskiyou County Planning Commission, the decision may be appealed to the Siskiyou County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
2. Upon adoption of the CEQA exemptions, a check in the amount of \$50 made payable to the Siskiyou County Clerk and submitted to the Siskiyou County Planning Division is necessary in order to file the Notice of Exemption. Failure to file the Notice of Exemption extends the statute of limitations for legal challenges to the CEQA exemptions from 35 days to 180 days.

CONDITIONS OF APPROVAL

1. The project shall substantially conform to the project description and zone change map reviewed by the Planning Commission on April 17, 2019, and subsequently approved by the Siskiyou County Board of Supervisors. Any proposed amendment(s) shall be submitted for consideration to the Deputy Director of Planning to determine the review process pursuant to the Siskiyou County Code.
2. The applicant, shall defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action, or proceeding (collectively, "Action") against the County, its agents (including consultants), officers or employees to attack, set aside, void, or annul the approvals, or any part thereof, or any decision, determination, or Action, made or taken approving, supplementing, or sustaining, the project or any part thereof, or any related approvals or project conditions imposed by the County or any of its agencies, departments, commissions, agents (including consultants), officers or employees, concerning the project, or to impose personal liability against such agents (including consultants), officers or employees resulting from their non-negligent involvement in the project, which action is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any party from the County. Said responsibilities shall be pursuant to the County's standard Agreement for Indemnification in effect at the time of application approval or Agreement for Indemnification if signed and effective prior to the date the application is approved. In the event that the applicant fails to comply with the terms of the applicable agreement, the applicant does hereby consent and agree to all remedies in said agreement and does hereby agree and consent to the County rescinding all applicable project approvals.