

Resolution PC-2020-003

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Conditionally Approving the Hensley Tentative Parcel Map (TPM1901) and Recommending that the Board of Supervisors Approve the Hensley Zone Change (Z1902)

Whereas, an application has been received from Jason Hensley to (1) rezone approximately 5.06-acres from Rural Residential Agricultural, 5 acre minimum (RRB5) to Rural Residential Agricultural, 2.5 acre minimum (RRB2.5); and (2) a tentative parcel map to subdivided said parcel into two parcels of 2.51 and 2.71 acres, all on an existing 5.22 acre parcel (APN:030-010-520); and

Whereas, a vesting tentative parcel map was prepared for the project as required by Section 10-4.501.1 of the Siskiyou County Code; and

Whereas, the project site is currently developed with a single-family dwelling and accessory structures; and

Whereas, because there is no substantial evidence, in light of the whole record before the County, that the proposed zone change and tentative parcel map would have a significant effect on the environment; and

Whereas, the project is determined to be exempt from CEQA based on "common sense" in accordance with the CEQA Guidelines Section 15061(b)(3); and

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

Whereas, the Planning Division presented its oral and written staff report on the Hensley Zone Change Z1902 and Tentative Parcel Map TPM1901 at a regular meeting of the Planning Commission on February 19, 2020; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on February 5, 2020; and

Whereas, the Planning Division recommended that the Planning Commission conditionally approve Tentative Parcel Map TPM1903 and that the Planning Commission recommend that the Board of Supervisors adopt findings and approve Zone Change Z1906 subject to the conditions of approval included in Attachment B-1 to this resolution; and

Whereas, on February 19, 2020, the chair of the Planning Commission opened the duly noticed public hearing on the Hensley Zone Change Z1902 and Tentative Parcel Map

TPM1901 to receive testimony both oral and written, following which the Chair closed the public hearing and the Commission discussed the project 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, conditionally approves Tentative Parcel Map TPM1901 subject to the conditions of approval contained in Attachment B-1 to this resolution, and recommends that the Board of Supervisors determine that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and approve the Hensley Zone Change Z1902 subject to the conditions of approval contained in Attachment B-1 to this resolution.

It is Hereby Certified that the foregoing Resolution PC-2020-003 was duly adopted on a motion by Commissioner Hart and seconded by Commissioner Fowle at a regular meeting of the Siskiyou County Planning Commission held on the 19th day of February 2020 by the following vote:

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

Noes:

Absent:

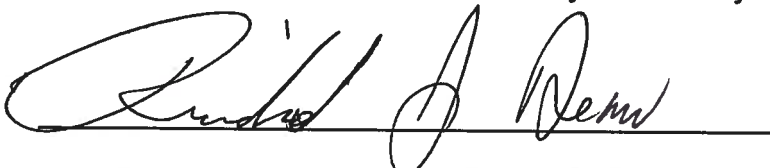
Abstain:

Siskiyou County Planning Commission



Tony Melo, Chair

Witness, my hand and seal this 19th day of February 2020



Richard J. Dean, Acting Secretary of the Commission

**Exhibit "B-1" to Resolution PC 2020-003
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, tentative parcel map, and zone change map reviewed by the Planning Commission on February 19, 2020, 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 final map(s) shall be developed in accordance with the revised submitted vesting tentative parcel and rezone map dated as January 2019 with a Revision date of July 19, 2019.
3. A Taxes and Assessments Certificate shall be obtained from the County Assessor's Office, signed off by the County Tax Collector, and submitted with the legal descriptions for recording.
4. The engineer or surveyor for the applicant shall submit two copies of the map to the Planning Division to the satisfaction of the Planning Director for review and processing along with the applicable review fees as required by the adopted fee schedule.
5. The applicant shall comply with all adopted rules and regulations of the Siskiyou County Public Works Department Environmental Health Division of the Siskiyou County Community Development Department and all other local and state regulatory agencies.
6. The applicant shall comply with, and provide verification of compliance, with all applicable statutory requirements of the fire safe standards enacted pursuant to Public Resources Code Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning Division.

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7. All Conditions of Approval must be completed within 24 months of the date of approval unless a request for a time extension is made prior to the expiration date pursuant to Section 10-4.401.8.2 of the Siskiyou County Code.
8. If timber operations (as defined by PRC Section 4527) are involved with a project, they must be approved by Cal Fire prior to undertaking operations. Further, a Timber Harvest Plan (THP) and/or Timber Conversion Permit (TCP) may be required.
9. If a proposed project will result in the conversion of greater than three (3) acres of timberland to non-timber use, a TCP will be required prior to undertaking any conversion operations. Provisions and procedures for filing an application for a TCP are found in Article 9, Division 4, Chapter 8 of the Public Resources Code. If the area to be converted is less than three acres, the project may qualify for a "Less Than 3-acre Conversion Exemption" under 14 CCR 1104.
10. Section PRC 1104.2 (Exemption for Conversion of Non-TPZ Land for Subdivision Development) allows exemption from the TCP rules if timber operations are conducted as a means to convert Non-TPZ land, three acres or larger, to subdivision development. A Notice of Exemption from the Timber Conversion Permit for Subdivision form will be required. Please reference this section of code for the particulars of the exemption.
11. 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.