



Siskiyou County
Planning Commission Staff Report
March 18, 2020

New Business Agenda Item No. 3

Srivastava Zone Change Revocation (Z-04-13-1M)

- Subject:** The project is recommending revocation of the Srivastava Planned Development zoning district established by Siskiyou County Ordinance No. 06-02 for the Srivastava Zone Change project (Z-04-13) to allow the construction and operation of a water bottling plant. On February 7, 2006, the Board of Supervisors approved a zone change from Rural Residential Agricultural District to a Planned Development (P-D) District. The P-D zone permitted the construction and operation of a water bottling plant. However, the water bottling plant has not yet been constructed. The applicant has informed staff that he no longer wishes to proceed with the project, and in accordance with County Code Section 10-6.1188, the P-D zoning district should be removed and revert the parcel to the original zoning of R-R-B-2.5.
- General Plan:** High Wildfire Hazard Area; Severe Pressure Limitations; and Moderate Suitability for Woodland Productivity.
- Zoning:** P-D District, for the construction and operation of a water bottling plant. P-D zoning was approved in 2006 under Z-04-13. The 16.8-acre parcel was originally zoned R-R-B-2.5.
- Location:** The project site is located on Mott Airport Road, approximately 0.6 miles southeast of the Mott Road/Interstate 5 interchange, north and east of the City of Dunsmuir and approximately 0.6 miles southeast of the Mott Airport; T39N, R3W, Section 6, MDBM; APN: 028-110-510.
- Attachments:**
1. Resolution PC-2020-004
 - a. Exhibit A within Resolution PC 2020-004: Findings
 2. Water Bottling Plant Letter dated March 4, 2020

Discussion

On February 7, 2006, the Siskiyou County Board of Supervisors adopted Siskiyou County Ordinance No. 06-02, which approved application Z-04-13 (Srivastava Zone Change) changing the zoning the property's zoning designation from R-R-B-2.5 to P-D to allow the construction and operation of a water bottling plant.

The project has not moved forward, and no building permits have been issued since Siskiyou County Ordinance No. 06-02 was adopted on February 7, 2006. Section 10-6.1189(a) of the Siskiyou County Zoning Ordinance states that the Planning Commission may approve a development plan only if it finds that the facts submitted with the application and presented at the hearing establish beyond a reasonable doubt that the proposed Planned Development District or the first phase of it can be substantially completed within four years after the district is established.

Due to a multitude of factors, the project never moved forward. However, it was not until recently that Siskiyou County contacted the applicant about the delays with the project and its overall goals. Generally, jurisdictions give permit holders or applicants the opportunity to correct any areas of noncompliance should issues arise. There is no indication that Siskiyou County contacted the applicant between now and 2006 about the project's noncompliance with the development plan. It is likely that county staff turnover played a primary role. Current staff contacted the project applicant regarding the delays and if the applicant was interested in completing project.

At the January 15, 2020 Planning Commission meeting, staff requested direction on revoking the P-D zoning, nullifying the water bottling plant project, or amending the development plan. In accordance with Section 10-6.1188(b) of the Siskiyou County Code, the Planning Commission directed staff to amend the previous project's Development Plan to include an updated development schedule so that construction of the water bottling plant would be completed within four years.

As staff worked with the project applicant to prepare a revised Development Plan, the project applicant expressed concerns regarding the limitations to water extraction that were placed on the original project. The applicant felt that the water extraction limits could result in financial complications and would result in an infeasible project. The project applicant informed staff that he would not be moving forward with the original project and the construction of the water bottling plant would not be completed within four years.

Planned Developments

Article 11-D, Planned Development Districts (P-D), of the Siskiyou County Code provides the provisions for establishing a Planned Development District on a parcel of land. The Planned Development District is designated to accommodate various types of development, such as neighborhood and district shopping centers, professional administrative areas, commercial service centers, and industrial parks or any other use or combination of uses which can be made appropriately a part of a planned development. In order to approve a Planned Development District, the review authority must make eight required findings. Projects that cannot make one or more of the required findings are denied.

One of the primary objectives of establishing a Planned Development District and a required finding is that the project or first phase would be completed within four years of approval. County Code Section 10-6.1189(a) states, "The proposed Planned Development District or the first phase of it can be substantially completed within four (4) years after the district is established". As previously identified, the applicant informed staff that he would not be moving forward with the original project and the

**Planning Commission Staff Report
March 18, 2020**

construction of the water bottling plant would not be completed within four years. Therefore, staff is recommending revocation of the P-D zoning district on the basis that one or more of the required findings cannot be made.

Environmental Analysis

Staff is recommending that the proposed revocation be exempt from further environmental review pursuant to CEQA Guidelines Section 15270, which statutorily exempt projects that are disapproved.

Public Comments

The project was initially scheduled for the Planning Commission's regularly scheduled February 19, 2020 meeting, and a public hearing notice was published in the *Siskiyou Daily News* on February 5, 2020 and mailed on February 4, 2020 to all property owners within 300 feet of the project site, as shown on the latest current tax roll of Siskiyou County. During the February Planning Commission meeting, the project was continued to a time and date certain (March 18, 2020). As of March 12, 2020, there have been no public comments submitted.

Recommendation

- Recommends to the Board of Supervisors to determine that the project be exempt from further environmental review pursuant to CEQA Guidelines Section 15270, Projects Which Are Disapproved; and
- Recommends to the Board of Supervisors that it adopt an ordinance revoking the Planned Development zoning district established by Siskiyou County Ordinance No. 06-02 and returning the parcel (APN: 028-110-510) to its original zoning of R-R-B-2.5 based on the findings set forth in Exhibit "A" (Findings) attached hereto and incorporated herein.

Suggested Motion

I move that we adopt Resolution PC-2020-004, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Board of Supervisors revoke the Planned Development zoning district established by Siskiyou County Ordinance No. 06-02 and return the parcel to its original zoning of R-R-B-2.5 and determine the project be exempt from further environmental review.

Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Kirk Skierski, Deputy Director
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

Resolution PC 2020-004

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending the Board of Supervisors to Revoke the Planned Development Zoning District for the Srivastava Zone Change Project (Z-04-13)

Whereas, on February 6, 2006, the Siskiyou County Board of Supervisors approved Z-04-14 reclassifying certain properties located on Mott Airport Road, approximately 0.6 miles southeast of the Mot Road/Interstate 5 interchange, northeast of the City of Dunsmuir and approximately 0.6 miles southeast of the Mott Airport; T39N, R3W, Section 6; MDBM; APN: 028-110-510 (Manisha and Dr. T.B. Srivastava Property) (the "Property"); and

Whereas, the reclassification resulted in the Property being zoned as a Planned Development District (P-D) with the primary purpose of allowing the construction and operation of a water bottling facility under application Z-04-13 (the "Project"); and

Whereas, a Mitigated Negative Declaration was prepared for the Project and adopted by the Board of Supervisors on February 6, 2006; and

Whereas, the Board of Supervisors found, as part of its approval, that the Planned Development District would be "completed within four years after the District is established"; and

Whereas, no permits have been issued for the proposed Planned Development since its approval in 2006; and

Whereas, the Property's owner has expressed to the Community Development Department continued interest in development of the Project; and

Whereas, on December 18, 2019, at the meeting of the Siskiyou County Planning Commission, staff was directed to prepare an amended development schedule pursuant to Siskiyou County Code Section 10-6.1188(b); and

Whereas, under Siskiyou County Code Section 10-6.1188(a) a development schedule shall become part of the development plan, and under Siskiyou County Code Section 10-6.1186 a change in a development plan may be accomplished by resolution; and

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

Whereas, on February 19, 2020, the Planning Commission continued the hearing a time and date certain, returning on the regularly scheduled Planning Commission meeting on March 18, 2020 to allow the applicant additional time to consider the feasibility and success of the project; and

Whereas, on March 4, 2020, the applicant informed staff that he would not be moving forward with the original project and the construction of the water bottling plant would not be completed within four years; and

Whereas, on March 18, 2020, the chair of the Planning Commission opened the duly noticed public hearing to receive testimony both oral and written, following which the Chair closed the public hearing and the Commission discussed the proposed revocation prior to reaching its decision.

Now, therefore be it resolved that the Planning Commission hereby takes the following actions on Application Z-04-13-1M (Srivastava Zone Change Revocation):

1. Recommends to the Board of Supervisors to determine that the project be exempt from further environmental review pursuant to CEQA Guidelines Section 15270, Projects Which Are Disapproved; and
2. Recommends to the Board of Supervisors that it adopt an ordinance revoking the Planned Development zoning district established by Siskiyou County Ordinance No. 06-02 and returning the parcel (APN: 028-110-510) to its original zoning of R-R-B-2.5 based on the findings set forth in Exhibit "A" (Findings) attached hereto and incorporated herein.

Be it further resolved that the Planning Commission adopts the recommended findings set forth in Exhibit "A" (Findings), in support of approval of these actions.

It is hereby certified that the foregoing Resolution PC-2020-004 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting of the Siskiyou County Planning Commission held on the 18th day of March, 2020, by the following voice vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SISKIYOU COUNTY PLANNING COMMISSION

Tony Melo, Chair

Witness, my hand and seal this 18th day of March, 2020.

Richard J. Dean, Secretary of the Commission

Attachments:
Exhibit A – Draft Findings

**Resolution PC 2020-004
Exhibit "A"**

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending the Board of Supervisors to Revoke the Planned Development Zoning District for the Srivastava Zone Change Project (Z-04-13)

Draft Findings

Planned Development Findings

In order to approve or deny a Planned Development application, the review authority shall first make the findings required by Section 10-6.1189 of the Siskiyou County Code:

1. The proposed Planned Development District or the first phase of it can be substantially completed within four (4) years after the district is established.
The project applicant has informed staff that the project would not be completed within four years and has no intention of moving forward with the approved project for construction and operation of the water bottling plant. Therefore, this finding cannot be made and thus, the project cannot be approved. In accordance with Siskiyou County Code Section 10-6.1188, the P-D zoning shall be revoked and the parcel return to its original zoning of R-R-B-2.5.

2. Each individual development phase can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.
This finding does not apply because the applicant is not willing to move forward with construction or operation of the originally approved water bottling plant.

3. The streets and thoroughfares proposed are suitable and adequate to gather anticipated traffic and will not generate traffic in such amounts as to overload the street network outside the planned district.
This finding does not apply because the applicant is not willing to move forward with construction or operation of the originally approved water bottling plant.

4. Any residential development will constitute a residential environment of sustained desirability and stability and will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than those permitted by the General Plan.
This finding does not apply because the applicant is not willing to move forward with construction or operation of the originally approved water bottling plant.

5. Any proposed commercial or industrial development conforms to the applicable desirable standards and will constitute an efficient well-organized development, with adequate provisions for access and storage, and it will not adversely affect adjacent or surrounding development.

This finding does not apply because the applicant is not willing to move forward with construction or operation of the originally approved water bottling plant.

6. The area surrounding the P-D District can be planned and zoned in coordination and substantial compatibility with the proposed development.

This finding does not apply because the applicant is not willing to move forward with construction or operation of the originally approved water bottling plant.

7. The P-D District conforms with the General Plan of the County.

This finding does not apply because the applicant is not willing to move forward with construction or operation of the originally approved water bottling plant.

8. Adequate utility service can be supplied to the area of the P-D District.

This finding does not apply because the applicant is not willing to move forward with construction or operation of the originally approved water bottling plant.

EDWARD KIERNAN
COUNTY COUNSEL

NATALIE E. REED
ASSISTANT COUNTY COUNSEL

DENNIS TANABE
DEPUTY COUNTY COUNSEL

DANA L. BARTON
DEPUTY COUNTY COUNSEL

WILLIAM M. CARROLL
DEPUTY COUNTY COUNSEL



PHONE: (530) 842-8100
FAX: (530) 842-8249

LISA ROBUSTELLINI
EXECUTIVE SECRETARY

CHEYENNE CROTEAU
LEGAL OFFICE COORDINATOR

DIAN COLLIER
STAFF SERVICES ANALYST

Office of County Counsel
COUNTY OF SISKIYOU

P.O. Box 659 * 1312 Fairlane Rd.
Yreka, California 96097

March 4, 2020

Dr. T. B. Srivastava
PO Box 436,
Dunsmuir, CA 96025
tejendra@nctv.com

Re: Water bottling plant (County Project Z-04-13)

Dear Dr. Srivastava,

Thank you for speaking with me today on the telephone. As discussed, the County is “boxed” into the number of 832,000 gallons/year for your project based on the CEQA document upon which approval of your project was based (specifically the Mitigated Negative Declaration from 2004). While I understand you have a consultant’s conclusion that significantly more water could be extracted without any effect on the environment, the County must stay within the boundaries of what was approved.

And in discussion with you as to whether you would still be proceeding with the bottling plant, you indicated that the project would not be going forward due to an insufficient amount of water approved in the original process. Based on that understanding, County staff intends to appear at the Planning Commission at its monthly meeting on March 18, 2020 at 9 a.m. and recommend that the property return to its original zoning (Rural-Residential).

If you have any questions, feel free to contact me.

Sincerely yours,

William M. Carroll

William M. Carroll,
Deputy County Counsel

cc: Rick Dean, Community Development Director
Kirk Skierski, Planning Director