

## **Resolution PC-2020-008**

### **A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Board of Supervisors Approve the Schroll Timberlands Zone Change (Z1908)**

**Whereas**, an application has been received from James Linnet, President of Schroll Timberlands to rezone approximately 1346 acres from Rural Residential Agricultural (RRB5 and RRB40) to Timberland Production (TPZ); and

**Whereas**, the rezone covers the entirety of an approximately 1346-acre legal parcel and consists of APNs 028-090-100; 028-090-120; 028-150-610; 028-150-630; 028-270-350; 028-270-370; 049-011-020; 049-021-050; 049-041-040; 049-071-070; 049-081-060; and 049-091-020; 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 statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15264; 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 Schroll Timberlands Zone Change Z1908 at a regular meeting of the Planning Commission on March 18, 2020; and

**Whereas**, a Notice of Public Hearing was published in the Siskiyou Daily News on March 4, 2020; and

**Whereas**, public hearing notices were provided pursuant to Siskiyou County Code Section 10-2805 *et seq.*; and

**Whereas**, the Planning Division recommended that the Planning Commission recommend that the Board of Supervisors adopt findings and approve Zone Change Z1908 subject to the conditions of approval included in Attachment B-1 to this resolution; and

**Whereas**, on March 18, 2020, the chair of the Planning Commission opened the duly noticed public hearing on the Schroll Timberlands Zone Change Z1908 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 recommends that the Board of Supervisors determine that the project is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15264 and approve the Schroll Timberlands Zone Change Z1908 subject to the conditions of approval contained in Attachment B-1 to this resolution.

**It is Hereby Certified** that the foregoing Resolution PC-2020-008 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 18<sup>th</sup> day of March 2020 by the following vote:

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

Noes:

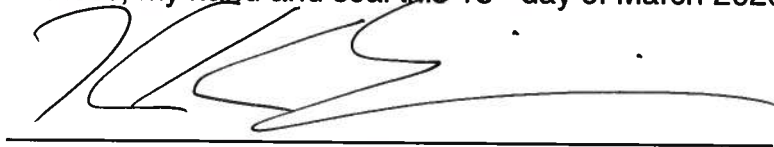
Absent:

Abstain:

Siskiyou County Planning Commission

  
\_\_\_\_\_  
Tony Melo, Chair

Witness, my hand and seal this 18<sup>th</sup> day of March 2020

  
\_\_\_\_\_

Kirk Skierski, Secretary of the Commission

## **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 time (where feasible) to lessen the effect of seasonal factors (rainfall and wind).

*No new development is proposed as part of this project. However, the Department of Forestry and Fire Protection approved Non-Industrial Timber Harvest Plan includes specific requirements that lessen soil erosion and ensure that the project will not have any negative effects related to soil erosion.*

#### **Map 3: Building Foundation Limitations**

Policy 8 – Enforce building construction standards (uniform building code) and public works requirements.

*No new development is proposed as part of this project; all future development will be required to meet building code standards.*

#### **Map 7: Flood Hazard**

Policy 21 – Primary and secondary flood plains are defined as follows:

1. Primary flood plains are the designated floodways.
2. Secondary flood plains are the areas located within the 100 year flood hazard boundaries but located outside of the designated floodways.

Policy 22 – No development may be allowed within the designated floodways, and any development proven to be outside the designated floodway and within the 100-year flood hazard shall be in accordance with the requirements of the County's flood plain management ordinance.

Policy 23 – Proof that land is not within a designated floodway can only be made when so indicated by the County Engineer.

Policy 24 – Single family residential, light commercial, light industrial, open space, non-profit and non-organization in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted if the requirements of Policy 22 have been met.

The permitted uses will not create erosion or sedimentation problems.

Policy 25: – A minimum parcel size of one acre on 0-15% slope, and 5 acres on 16-29% slope only may be permitted if the requirements of Policy 22 have been met.

The permitted density will not create erosion or sedimentation problems.

Policy 26: – All flood plain requirements of the Federal Government shall take precedence to Policies 21-23.

*Exhibit "A"*  
*Recommended Findings – March 18, 2020*  
*Schroll Timberlands Zone Change (Z1908)*

*The parcel is large and only a small portion of the parcel is within the flood hazard area. No new development or parcels are proposed as part of this project. The proposed zone change will not create the potential for erosion or sedimentation impacts due to the implementation of the project.*

**Map 8: Surface Hydrology**

Policy 27 – No residential or industrial development shall be allowed on water bodies. Exceptions may be considered for water supply, hydroelectric power generation facilities, public works projects necessary to prevent or stabilize earth movement, erosion, and the enhancement of migratory fish and other wildlife, light commercial, open space, non-profit and non-organizational in nature recreational uses, and commercial/recreational uses.

*No development is proposed on water bodies as part of this project.*

**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 new development is proposed as part of this project. As part of the building application process, all future development must comply with fire safe standards enacted pursuant to Public Resources Code (PRC) Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire.*

**Map 11: Woodland Productivity**

Policy 31 – The minimum parcel size shall be one acre on 0-15% slope, and 5 acres on 16-29% slope.

*The existing parcel is gently sloping and contains approximately 1346 acres, which exceeds the minimum parcel size. The parcel acreage will not change as part of this project.*

Policy 32 – Single family residential, light commercial, light industrial, 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.

*The proposed zone change to Timberland Production will allow uses that are permitted uses per Policy 32 and will not create erosion or sedimentation problems.*

Policy 33 – All land uses and densities shall be designed so as not to destroy timber productivity on large parcels of high suitability woodland soils. (Class I and II.)

*The proposed zone change to Timberland Production will not destroy timber productivity and will not change the parcel size of the existing large parcel.*

**Exhibit "A"**  
**Recommended Findings – March 18, 2020**  
**Schroll Timberlands Zone Change (Z1908)**

**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.

*The use of the land for timber production has been in existence since the 1800s and is compatible with the surrounding area.*

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 use of the land for timber production disruptive or damaging to mapped resources.*

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.

*No new development is proposed as part of this project, however, the subject property has access to Squaw Valley Road, a public road capable of handling traffic impacts related to the zone change.*

Policy 41.12 All significant historic and prehistoric places and features when identified shall be preserved and protected in accordance with accepted professional practices.

*As part of the Department of Forestry and Fire Protection approved Non-Industrial Timber Management Plan, an archaeological survey has been made and archaeological records have been checked of the plan area. Archaeological or historical sites were located within the site area. Specific site locations and conditions that lessen the impact to historic and prehistoric places and features are contained the Confidential Archaeological Addendum in Section VI of the Non-Industrial Timber Management Plan, in accordance with accepted professional practices.*

Policy 41.13 All rare and endangered plant species as identified and recognized by state and federal government shall be preserved and protected in accordance with accepted professional practices.

*The Department of Forestry and Fire Protection approved Non-Industrial Timber Management Plan identifies plant and animal species that are known to occur or have potential suitable habitat within the plan area. As part of the plan, conditions have been developed to preserve and protect rare and endangered species in accordance with accepted professional practices.*

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.

*Staff has reviewed all Land Use Element policies and has determined that the project is consistent with the Siskiyou County General Plan.*

*Exhibit "A"*  
*Recommended Findings – March 18, 2020*  
*Schroll Timberlands Zone Change (Z1908)*

**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 is consistent with existing and permitted land uses surrounding the project site.
4. The existing parcels are consistent with the Timberland Production District (TPZ).

**Timberland Production Zone Inclusion**

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. Pursuant to Siskiyou County Code §10-6.5104(a), ten of the twelve parcels that are part of this project were on List "A" or "B" as specified by the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976.
4. 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 (CEQA) Findings**

1. This project is statutorily exempt from CEQA in accordance with Section 15264 of the CEQA Guidelines.

**Exhibit “B-1” to Resolution PC 2020-008  
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 reviewed by the Planning Commission on March 18, 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 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.