

Resolution PC 2020-016

A Resolution of the Planning Commission of the County of Siskiyou, State of California Recommending that the Siskiyou County Board of Supervisors Adopt the Draft Ordinance Rezoning 3.84 Acres of APN 020-510-290 and 020-510-330 from C-U to C-C and determine the project exempt from CEQA.

Whereas, an application has been received from Matt Casey of Zarembo Group, LLC to rezone a 3.84-acre site (APN 020-510-290 and 020-510-330) from Neighborhood Commercial District (C-U) to Town Center District (C-C); and

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

Whereas, the Planning Division recommended that the project be determined exempt from the California Environmental Quality Act (CEQA) based on the "common sense" that CEQA only applies to projects with the potential to result in a significant impact on the environment in accordance with CEQA Guidelines Section 15061(b)(3); and

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

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

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

Whereas, the Planning Division presented its oral and written staff report on the Zarembo Group Zone Change (Z-19-07) at a regular meeting of the Planning Commission on August 19, 2020; and

Whereas, the Planning Division recommended the Planning Commission recommend that the Board of Supervisors determine the project exempt from CEQA and approve Z-19-07 subject to the conditions of approval included in Attachment A-1 to this resolution; and

Whereas, on August 19, 2020, the Chair of the Planning Commission opened the duly noticed public hearing on the Zarembo Group Zone Change (Z-19-07) and CEQA determination to receive testimony both oral and written, following which the Chair closed the public hearing and the Commission discussed the Zone Change (Z-19-07) and CEQA determination prior to reaching its decision.

Now, Therefore, Be It Resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A-2 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-2, hereby takes the following actions on the Zaremba Group Boundary Zone Change (Z-19-07):

1. Recommends that the Board of Supervisors of Siskiyou County determine the project exempt pursuant to the "common sense"
2. Recommends that the Board of Supervisors of Siskiyou County approve the Zone Change Z-19-07, subject to the conditions of approval contained in Attachment A-1 to this resolution.

It is Hereby Certified that the foregoing Resolution PC-2020-016 was duly adopted on a motion by Commissioner Veale and seconded by Commissioner Lindler at a regular meeting of the Siskiyou County Planning Commission held on the 19th day of August 2020 by the following vote:

Ayes: Fowle, Lindler, Veale, Melo

Noes:

Absent: Hart

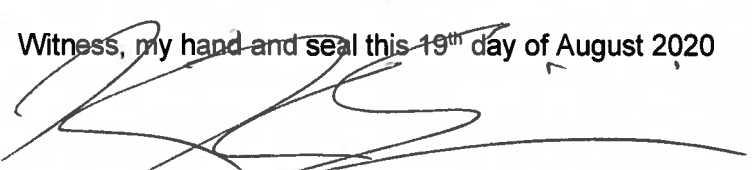
Abstain:

Siskiyou County Planning Commission



Tony Melo, Chair

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



Kirk Skierski, Secretary of the Commission

Exhibit A-1 to Resolution PC-2020-016
Notations and Recommended 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 categorical exemption, 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 categorical exemption from 35 days to 180 days.
3. If timber is to be commercially harvested as part of the zone change, the conditions set forth in the California Forest Practice Rules pertaining to Conversion of Timberland (Title 14, CCR, Article 7, Section 1104.02) shall be adhered to.
4. If any timber operations (as defined by PRC Section 4527) are involved with a project, they must be approved by Cal Fire prior to undertaking operations. A Timber Harvesting Plan (THP) may be required. A Timberland Conversion Permit (TCP) may also be required.
5. If a proposed project will result in the conversion of greater than three (3) acres of timberland to non-timber use, a TCP is 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 14CCR 1104.

Conditions of Approval

1. The project shall substantially conform to the project description and zone change map reviewed by the Planning Commission on August 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. Any future development or land uses shall comply with the C-C zoning district.
3. Prior to building permit issuance, the applicant shall provide documentation that a Construction General Permit and Stormwater Pollution Prevention Plan has been approved by the State Water Quality Control Board for the site.

4. In order to ensure compliance with Fish and Game Code sections 3503, 3503.5, and 3513 one of the following shall be implemented:
 - a. Conduct vegetation removal and other ground-disturbance activities associated with construction from September 1 through January 31, when birds are not nesting; or
 - b. Conduct pre-construction surveys for nesting birds if vegetation removal or ground disturbing activities are to take place during the nesting season (February 1 through August 31). These surveys shall be conducted by a qualified biologist no more than one week prior to vegetation removal or construction activities during the nesting season. If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department of Fish and Wildlife. No vegetation removal or construction activities shall occur within this non-disturbance buffer until the young have fledged or the nest fails, as determined through additional monitoring by the qualified biologist. The results of the pre-construction surveys and any nest monitoring reports shall be sent electronically to the Planning Division at planning@co.siskiyou.ca.us.

The applicant shall provide documentation of compliance prior to building permit issuance.

5. 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 prior to the issuance of any building permits.
6. Prior to any construction, the project applicant is required to obtain Siskiyou County Air Pollution Control District approval of a dust control plan.
7. All disturbed areas of the project site not intended for a specific use, including slopes, shall be landscaped to the satisfaction of the Community Development Director. The areas to be landscaped shall be shown on the building permit plans and are required to be installed prior to issuance of certificate of occupancy, temporary or final.
8. 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), officer 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.

Findings

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 below.
2. The proposed zone change application is consistent with Siskiyou County Code Title 10, Chapter 6, Article 28.
3. The proposed zone change to Town Center District (C-C) is consistent with existing and permitted land uses surrounding the project site.
4. The proposed zone change is compatible with the surrounding zoning of Light Industrial (M-M), Neighborhood Commercial (C-U), Rural Residential Agricultural (R-R), Highway Commercial (C-H), and Non-Prime Agricultural (AG-2).

General Plan Consistency Findings

Composite Overall Policies

Policy 41.3(b) All light commercial, light industrial, multiple family residential, and commercial/recreational, public, and quasi-public uses must provide or have direct access to a public road capable of accommodating the traffic that could be generated from the proposed use.

The retail store that is proposed as part of this zone change will have direct access to Big Springs Road, a public road capable of accommodating the traffic that could be generated from the proposed use.

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

The proposed retail store is clearly compatible with the surrounding area. While there are no known planned uses of the area, the zoning on adjacent parcels allows for a very broad range of uses, of which a retail store would be compatible.

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 retail store will not be disruptive or destroy the intent of protecting each mapped resource, as described herein.

Policy 41.5 All development will be designed so that every proposed use and every individual parcel of land created is a buildable site, and will not create erosion, runoff, access, fire hazard or any other resource or environmentally related problems.

The proposed retail store site is designed to collect storm water and redirect it to an on-site detention/infiltration basin. Any disturbed areas of the project site not intended for a specific use, including slopes, shall be landscaped to the satisfaction of the Community Development Director. Access to Big Springs Road has been designed as part of the proposed retail store. The project shall comply with fire safe standards to the satisfaction of Cal Fire and Siskiyou County Planning Division.

Policy 41.6 There shall be a demonstration to the satisfaction of the Siskiyou County Health Department and/or the California Regional Water Quality Control Board that sewage disposal from all proposed development will not contaminate ground water.

An approved septic site was identified and approved for the subject parcel under TPM 97-04. Any future development will be required to meet Siskiyou County Environmental Health Division standards.

Policy 41.7 Evidence of water quality and quantity acceptable to the Siskiyou County Health Department must be submitted prior to development approval.

Adequate water exists in the area to support development of the proposed retail store. Water quality will be required to meet Siskiyou County Environmental Health Division standards.

Policy 41.8 All proposed development shall be accompanied by evidence acceptable to the Siskiyou County Health Departments to the adequacy of on-site sewage disposal or the ability to connect into an acceptable central sewer system serving an existing city or existing community services district with adequate capacity to accommodate the proposed development. In these cases the minimum parcel sizes and uses of the land permitted for all development will be the maximum density and land uses permitted that will meet minimum water quality and quantity requirements, and the requirements of the county's flood plain management ordinance.

An approved septic site was identified and approved for the subject parcel under TPM 97-04. Any future development will be required to meet Siskiyou County Environmental Health Division standards.

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.

Direct access to Big Springs Road, a public road, has been designed as part of the proposed retail store. Additionally, the parcel has direct access to Highway 97, a state highway, for a future secondary driveway, should it be necessary.

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 profession practices.

The California Department of Fish and Wildlife was consulted as part of the project review. As a result of their comments, the applicant hired a consultant to complete a Biological Resource Assessment, which included a rare plant survey. A secondary, focused, rare plant survey was also conducted during blooming season for a plant species of concern. No known rare and endangered plant species were found within the project area during the field studies for the reports.

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.

Map 2: 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).

Conditions of approval have been included that lessen soil erosion, including obtaining approval from the State Water Quality Control Board for a Construction General Permit and Stormwater Pollution Prevention Plan, obtaining approval from the Siskiyou County Air Pollution Control District for a dust control plan, and landscaping all disturbed areas to the satisfaction of the Community Development Director.

Map 3: Soils – Building Foundation Limitations

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

All future development will be required to meeting building code standards and public works requirements as enforced by the Building Division of the Community Development Department and the Public Works Department.

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 or quasi-public uses only may be permitted.

The permitted uses will not create erosion or sedimentation problems.

Light commercial uses are a permitted use per Policy 28 and will not create erosion or sedimentation problems.

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

The permitted density will not create erosion or sedimentation problems.

No new parcels are being created and no parcels are being reconfigured as part of the proposed zone change. The proposed project will not create erosion or sedimentation problems.

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.

As a condition of approval, the project 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 and Siskiyou County Planning.

California Environmental Quality Act (CEQA) Findings

1. The Planning Commission recommends that the Board of Supervisor's 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 the Board adopt the "common sense exemption" pursuant to the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines.
2. In making its recommendation, the Planning Commission 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 individually or cumulatively significant effect.