

**Resolution PC 2021-032**

**A Resolution of the Planning Commission of the County of Siskiyou, State of California, Conditionally Approving the Purvis Use Permit (UP-22-01) and Recommending that the Siskiyou County Board of Supervisors Determine the Project Exempt from the California Environmental Quality Act and Approve the Purvis Zone Change (Z-21-07) by Adopting a Draft Ordinance Rezoning 2.1 Acres (APN 037-410-230) from R-R to P-D**

**Whereas**, an application has been received from Jonathan and Marianne Purvis to rezone approximately 2.1 acres (APN 037-410-230) from Rural Residential District to Light Industrial District; and

**Whereas**, the project site is currently undeveloped; and

**Whereas**, the project site is adjacent to the Dunsmuir Municipal-Mott Airport and within the Zone B compatibility zone of the Siskiyou County Airport Land Use Compatibility Plan; and

**Whereas**, certain uses allowed within the Light Industrial District are not compatible with Zone B, which resulted in a modification of the project to rezone the subject parcel to a Planned Development; and

**Whereas**, the Master Development Plan for this zone change was designed for Light Industrial and Commercial uses that are not incompatible with the Zone B compatibility zone; and

**Whereas**, a use permit shall be required for any and all uses within a multi-use P-D District, and

**Whereas**, a Notice of Public Hearing was published in the Siskiyou Daily News on December 1, 2021; and

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

**Whereas**, the December 15, 2021 public hearing for this project was continued, without the project being discussed, to the January 19, 2022; 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 Purvis Zone Change (Z-21-07) and Use Permit (UP-22-01) at a regular meeting of the Planning Commission on January 19, 2022; 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,** the Planning Division recommended that the project be determined exempt from CEQA pursuant to the New Construction or Conversion of Small Structures (Section 15303(c)), which consists of construction and location of limited numbers of new, small facilities or structures; and

**Whereas,** the Planning Division recommends approval of the Purvis Zone Change (Z-21-07) and Use Permit (UP-22-01) subject to the conditions of approval included in Attachment A-1 to this resolution; and

**Whereas,** on January 19, 2022, the chair of the Planning Commission opened the duly noticed public hearing on the Purvis Zone Change (Z-21-07) and Use Permit (UP-22-01) to receive testimony both oral and written, following which the Chair closed the public hearing and the Commission discussed the project; and

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

**Whereas,** on January 19, 2022, the Commission discussed Z-20-04 and UP-22-01 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 Purvis Zone Change (Z-21-07) and Use Permit (UP-22-01):

1. Conditionally approves the proposed Use Permit based on the recommended findings and subject to the recommended conditions of approval; and
2. Recommends that the Board of Supervisors of Siskiyou County determine the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and Section 15303(c); and
3. Recommends that the Board of Supervisors of Siskiyou County approve Zone Change (Z-21-07), subject to the conditions of approval contained in Attachment A-1 to this resolution.

It is **Hereby Certified** that the foregoing Resolution PC-2021-032 was duly adopted on a motion by Commissioner MeLo and seconded by Commissioner Veale at a regular meeting of the Siskiyou County Planning Commission held on the 15<sup>th</sup> day of December 2021 by the following vote:

Ayes: Commissioners Hart, MeLo, Veale and Fowle

Noes:

Absent: Commissioner Lindler

Abstain:

Siskiyou County Planning Commission

211777

~~Tony Melo, Chair~~

Jeffrey N. Fowle, Vice Chair

Witness, my hand and seal this 15th day of November 2021

Hailey Lang

Hailey Lang, Secretary of the Commission



**Exhibit A-1 to Resolution PC 2021-032**  
**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 Master Plan reviewed by the Planning Commission on January 19, 2022. 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. Minor amendments to the use permit shall be considered by the Community Development Director. Major amendments to the use permit shall be considered by the Planning Commission.
2. Any future development or land uses shall comply with the P-D zoning district and associated Master Plan.
3. Development of the subject property shall comply with all adopted rules and regulations of the Siskiyou County Code and all other local and state regulatory agencies.
4. The zone change shall be reviewed by the Siskiyou County Airport Land Use Commission prior to review by the Siskiyou County Board of Supervisors.
5. The zone change shall be reviewed by the Siskiyou County Board of Supervisors only after the dedication and recording of an avigation easement as required by Siskiyou County Code in Section 10-1.10(b).
6. 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.
2. The proposed zone change application is consistent with Siskiyou County Code, Title 10, Chapter 6, Article 28.
3. The proposed zone change from Rural Residential Agricultural (R-R) to Planned Development (P-D) is consistent with existing and permitted land uses surrounding the project site.
4. The proposed zone change is compatible with the surrounding zoning of Rural Residential Agricultural (R-R), Neighborhood Commercial (C-U), Light Industrial (M-M), and Town Center (C-C).
5. The Planning Commission has considered all written and oral comments received and based on its analysis of the public testimony and staff's analysis, the Commission has determined that the project as designed and conditioned would be compatible with existing and planned uses of the area.

### Development Plans Findings (Siskiyou County Code Section 10-6.1189)

1. The proposed development of the property with a single 2,160 square foot building with associated parking lot and utilities can be substantially completed within four (4) years after the district is established.
2. A single development phase is proposed and can exist as an independent unit capable of creating an environment of sustained desirability and stability. The use of the property for a contractor's yard is not detrimental to present and potential surrounding uses (residential to the north, airport to the east, vacant Forest Service property to the south, Interstate 5 to the west). The residential property to the north is not along the path of travel for access to this property. The City of Dunsmuir has tentative long-range plans to take ownership of the Forest Service property to the south for use as an auxiliary City water source (municipal groundwater well). The proposed uses were reviewed by the City for compatibility with the well. Any uses that had the potential to be incompatible were removed from the Development Plan. The proposed uses will have a beneficial effect which could not be achieved under another zoning district because there are no zoning districts in the County where all of the allowed uses are compliant with Zone B of the Airport Land Use Compatibility Plan, including the current Rural Residential district.
3. No streets or thoroughfares are proposed as part of this project. The subject property is adjacent to Mott-Airport Road, a public road, that is adequate for the immediate and cumulative traffic impacts of the project.
4. No residential development is proposed as part of this project as Zone B of the Airport Land Use Compatibility Plan requires a minimum of 5 acres per dwelling unit. The subject parcel is less than 5 acres and therefore does not meet the minimum parcel size for residential use.
5. The proposed development of the property for a contractor's yard conforms to the applicable standards and constitutes an efficient well-organized development that will not adversely affect adjacent or surrounding development as the proposed use, as well as the conditionally permitted uses within the Development Plan, have been analyzed and found to be in compliance with Zone B of the Airport Land Use Compatibility Plan.



6. The area surrounding the proposed P-D District can be planned and zoned in coordination and substantial compatibility with the proposed development as the surrounding area is also within Zone B of the Airport Land Use Compatibility Plan.
7. The proposed P-D District conforms with the General Plan of the County as documented in the General Plan Consistency Findings below.
8. Adequate utility service can be supplied to the area of the P-D District as the project site has been reviewed by Environmental Health for on-site groundwater well and septic systems and found to be sufficient. Electric and communication utilities have been developed in the area and are available on Mott-Airport Road.

### **General Plan Consistency Findings**

#### **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 proposed zone change of the existing parcel is clearly compatible with the surrounding area. The neighboring parcels are zoned and developed with a mix of residential, commercial, and industrial uses, which is consistent with the light industrial and commercial uses in the proposed planned development zone change.*

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 uses of the land within the proposed planned development will bring the currently residentially zoned parcel into compliance with the Airport Land Use Compatibility Plan and will not be disruptive or destroy the intent of protecting each mapped resource.*

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 subject is buildable site that has been approved by Environmental Health for an on-site well and septic system. The proposed roofing contractor's yard site plan is designed to collect storm water and redirect it to an on-site detention/infiltration basin with surface discharge to the on-site vegetation buffer. As part of the proposed Master Plan, upon any proposed change to the project site, a drainage report shall be prepared by a registered civil engineer and submitted to the California Department of Transportation for review. As part of building permit review and approval, CalFire will verify that the proposed project meets State standards for access and fire hazards.*

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.

*The subject parcel has been reviewed and approved by Environmental Health for an on-site septic system that will not contaminate ground water.*



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

*The subject parcel has been reviewed and approved by Environmental Health for an on-site well. As part of the building permit process, evidence of water quality and quantity is required prior to development approval.*

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.

*The subject parcel has immediate access to Mott Airport Road, a public road that is adequate for the immediate and cumulative traffic impacts of the project.*

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 as documented herein.*

**Map 3: Building Foundation Limitations**

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

*Any future development will be required to meet building code standards.*

**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.

*A Dunsmuir Fire Department station is approximately 2.9 miles south of the project site. A Mt. Shasta Fire Protection District station and a Mt. Shasta City Fire Department station are each approximately 5.2 miles north of the project site. The nearest hydrant is approximately 1.2 miles from the project site at the St. Germain Foundation property on Mott Road. Additionally, any 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.

*No new parcels are being created or reconfigured as part of the proposed zone change and use permit. However, the existing 2.1-acre parcel exceeds the one-acre minimum parcel size for its approximately 6% slope.*

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 light industrial and commercial uses allowed within the proposed zoning district 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 existing 2.1-acre parcel is not a large parcel for timber productivity purposes and the land uses are permitted uses per Policy 32.*

**Airport Land Use Compatibility Findings**

2.4.1 Primary Land Use Compatibility Criteria – The primary criteria for assessing whether a land use plan, ordinance, or development proposal is to be judge compatible with a nearby airport are set forth in the Primary Compatibility Criteria matrix, Table 2A.

1. The subject parcel is within Zone B of the Dunsmuir Municipal-Mott Airport compatibility zone.
2. The proposed zone change would rezone the subject property from the Rural Residential Agricultural (R-R) district to a P-D which has light industrial and commercial uses that exclude prohibited uses, making it compatible with the Compatibility Plan.
3. The maximum density allowed on-site for non-residential uses is 25 individuals per acre.
4. The subject property is 2.1 acres, which would allow for a site-specific maximum density of 52 individuals.
5. The total number of on-site individuals proposed for the subject property is 10, which is less than the maximum density for the subject property.

### California Environmental Quality Act (CEQA) Findings

1. Pursuant to CEQA Guidelines, Section 15061(b)(3), because 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, this use permit project is exempt pursuant to the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines.
2. Pursuant to CEQA Guidelines, Section 15303, Class 3 projects consist of construction and location of limited numbers of new, small facilities or structures. Because subsection (c) allows for the construction of structures not exceeding 2500 square feet, this project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303(c).
3. 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.
4. The Planning Commission has determined that the custodian of all documents and material which constitute the record of proceedings shall rest with the County of Siskiyou Community Development Department.