

Resolution PC 2022-007

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Siskiyou County Board of Supervisors Determine the Project Exempt from the California Environmental Quality Act and Approve the Yates Zone Change (Z-21-11) by Adopting a Draft Ordinance Rezoning 1.16 Acres (APN 038-448-021) from C-C to M-M.

Whereas, an application has been received from Michael Yates to rezone approximately 1.16 acres (APN 038-448-021) from Town Center District to Light Industrial District; and

Whereas, the project site is currently developed with an existing 7,700 square foot barn that has historically been used as storage; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on April 6, 2022; and

Whereas, public hearing notices were provided pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; 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 Yates Zone Change (Z-21-11) at a regular meeting of the Planning Commission on April 20, 2022; and

Whereas, there is not 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, the Planning Division recommended that the project be determined exempt from CEQA pursuant to *Existing Facilities* (Section 15301), which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures where there is negligible or no expansion of existing or former use; and

Whereas, the Planning Division recommended that the project be determined exempt from CEQA pursuant to *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 Yates Zone Change (Z-21-11) subject to the conditions of approval included in Attachment A-1 to this resolution; and

Whereas, on April 20, 2022, the chair of the Planning Commission opened the duly noticed public hearing on the Yates Zone Change (Z-21-11) to receive testimony both oral and written, following which the Chair closed the public hearing and the Commission discussed Z-21-11 prior to reaching a decision; and

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 Yates Zone Change (Z-21-11):

1. 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), Section 15301, and Section 15303(c); and
2. Recommends that the Board of Supervisors of Siskiyou County approve Zone Change (Z-21-11), subject to the conditions of approval contained in Attachment A-1 to this resolution.


It is Hereby Certified that the foregoing Resolution PC-2022-007 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 20th day of April 2022 by the following vote:

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

Noes:


Absent:

Abstain:

Siskiyou County Planning Commission


Danielle Lindler, Chair

Witness, my hand and seal this 20th day of April 2022



Hailey Lang, Secretary of the Commission

**Exhibit A-1 to Resolution PC 2022-007
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.
6. A building permit must be obtained prior to any future development or placement of structures on the property. This requirement includes, but is not limited to, any enlargement, alteration, replacement, repair, or improvement of any existing structures.

Conditions of Approval

1. The project shall substantially conform to the project description and zone change map reviewed by the Planning Commission on April 20, 2022, 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. Minor amendments shall be considered by the Community Development Director. Major amendments shall be considered by the Planning Commission.
2. Any future development or land uses shall comply with the M-M zoning district.
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 project must adhere to all applicable requirements of the current California Building Code.
5. The project must be prepared by a California-licensed Architect or Engineer.
6. If the existing barn was built prior to requiring building permits in Siskiyou County, the change in occupancy would require that the building complies with the new occupancy.
7. Changing the U-Occupancy to S-1 to store vehicles will require the existing barn to meet Code Compliance standards.
8. The use of metal shipping containers as storage will need to be revised to assess if Code Compliance standards cannot be achieved.
9. The project will need to comply with all applicable Accessibility Code requirements.
10. 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 Town Center (C-C) to Light Industrial (M-M) is consistent with existing and permitted land uses surrounding the project site.
4. The proposed Zone Change is compatible with the surrounding zoning of Town Center (C-C), Single-Family Residential (Res-1), Multiple-Family Residential (Res-4), Rural Residential Agricultural (R-R), Neighborhood Commercial (C-U), and Light Industrial (M-M).
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.

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 project site has direct access to Siskiyou Boulevard and Fourth Street, both of which are public roads 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 mini-storage use 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 are consistent with the light industrial use planned for the project site.

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 mini-storage use 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 subject property is an already developed site that has an existing onsite septic system and water connection to the Grenada Sanitary District. Any new development will have to meet State

and County requirements for erosion, runoff, access, fire hazard, or any other resource or environmentally related problems.

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 is developed with an approved 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.

Water service to the parcel is provided by the Grenada Sanitary District.

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 Siskiyou Boulevard and Fourth Street, public roads that are 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 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).

Any future development is required to meet Building Code requirements for erosion and runoff.

Map 4: Severe Septic Tank Limitations

Policy 9 – The minimum parcel size shall be one acre of 0-15% slope and 5 acres on 16-29% slope.

The permitted density will not create erosion or sedimentation problems.

No new parcels are proposed as part of this project and the proposed project will not create erosion or sedimentation problems.

Policy 10 – Single family residential, heavy or light industrial, heavy or light commercial, open space, non-profit and non-organizational in nature recreation uses, commercial/recreation 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 Light Industrial to facilitate a mini-storage facility is a permitted use per Policy 10 and will not create erosion or sedimentation problems.

Map 12: Prime Agricultural Soils

Policy 34. – All Class I, II and III soils, and the soils that become Class III under irrigation, with the exception of Class III soils determined to be non-irrigable, are defined as prime agricultural land.

Policy 36. – In commercial agricultural areas mapped as prime agricultural land but proven not to be prime agricultural land or land clearly committed to urbanization, but not within a city or service district sphere of influence, the minimum parcel size shall be 10-20 acres, depending on distance from major agricultural areas.

The permitted density will not create erosion or sedimentation problems.

A minimum parcel size of 20 acres is required in areas that are adjacent to or in close proximity to major commercial agricultural operations.

The intent of this policy is to allow a higher density on land that is not capable of being productive for agriculture, and at the same time retaining a residential density in the major agricultural areas of the county that is compatible with agricultural interests.

No new parcels are proposed to be created as part of this project. The subject parcel is an existing approximately 1.16-acre parcel that is within the unincorporated community of Grenada. It is within the service district boundary for the Grenada Sanitary District and the Grenada Fire Protection District.

Policy 38. – In commercial agricultural areas mapped as prime agricultural land but proven not to be prime agricultural land, 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 may be permitted.

The permitted density will not create erosion or sedimentation problems.

2018 mapping by the Division of Land Resource Protection of the California Department of Conservation as part of their Farmland Mapping and Monitoring Program places the subject parcel outside of Prime Farmland or Farmland of Local Importance. The subject parcel has instead been placed within an area, which includes the entire community of Grenada, designated as "Urban and Built-Up Land". The zone change to Light Industrial to facilitate a mini-storage facility is a permitted use per policy 38 and will not create erosion or sedimentation problems.

Policy 39. – Proof that mapped prime agricultural soils are in fact not prime can only be done by providing the following information:

- e. If an on-site field inspection by the Planning Department reveals that the land is not prime agricultural land, the data itemized in a, b, c and d above may not be required; i.e., obvious mapping errors.

Planning Department staff made an on-site field inspection on April 6, 2022, and determined that the land is not prime agricultural land.

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 15301, Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures where there is negligible or no expansion of existing or former use. Because the barn has historically been utilized for storage and the applicant proposes to continue the use of the barn for storage under the Light Industrial zoning designation, this project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301.
3. 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).
4. 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.
5. 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.