

Resolution PC-2022-017

**A Resolution of the Planning Commission of the County of Siskiyou,
State of California, Recommending that the Board of Supervisors
Approve the Dobson Zone Change (Z-21-08)**

Whereas, an application has been received from Robin Dobson, property owner, to rezone approximately 691 acres from Prime and Non-Prime Agricultural (AG-1 and AG-2-B-40) to Timberland Production (TPZ); and

Whereas, the rezone covers the entirety of two legal parcels of approximately 691 acres and consists of APNs 022-010-200; 022-010-220; 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, the Planning Division presented its oral and written staff report on the Dobson Zone Change Z-21-08 at a regular meeting of the Planning Commission on July 20, 2022; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on July 6, 2022; 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 Z-21-08; and

Whereas, on July 20, 2022, the chair of the Planning Commission opened the duly noticed public hearing on the Dobson Zone Change Z-21-08 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.

Whereas, on July 20, 2022, the Dobson Zone Change Z-21-08 project was continued to the September 21, 2022 Planning Commission meeting to allow staff time to research and respond to concerns raised during the meeting; and

Whereas, the Planning Division presented its supplemental oral and written staff report on the Dobson Zone Change Z-21-08 at a regular meeting of the Planning Commission on September 21, 2022; and

Whereas, on September 21, 2022, the Commission discussed Z-21-08 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 recommends that the Board of Supervisors determine that the project is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15264 and approve the Dobson Zone Change Z-21-08 subject to the conditions of approval contained in Attachment A-1 to this resolution.

It is Hereby Certified that the foregoing Resolution PC-2022-017 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 21st day of September 2022 by the following vote:

Ayes: Commissioners Hart, MeLo, Veale and Fowle

Noes:

Absent: Commissioner Lindler

Abstain:

Siskiyou County Planning Commission

Jeff Fowle
Jeff Fowle, Vice Chair

Witness, my hand and seal this 21st day of September 2022

Hailey Lang
Hailey Lang, Secretary of the Commission

**Exhibit A-1 to Resolution PC 2022-017
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 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 July 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.
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.

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 Prime Agricultural (AG-1) and Non-Prime Agricultural (AG-2-B-40) to Timber Production District (TPZ) is consistent with existing and permitted land uses surrounding the project site.
4. The proposed Zone Change is compatible with the surrounding zoning of Non-Prime Agricultural (AG-2-B-40), Prime Agricultural (AG-1), Rural Residential Agricultural (R-R-B-5), and Timber Production (TPZ).
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.

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(b), the two parcels that are part of this project meet the minimum standards adopted by resolution of the Board for inclusion under List C for the Timber Land Production Zone District (TPZ).
4. The property sought to be included in the Timberland Production Zone meets the stocking standards requirements of Government Code Section 51113(a)(3)(A).

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 current use of land is forest restoration with the last timber harvest having been in the 1970s. The continued use of Timber production 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 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.

No new development is proposed as part of this project, however, the subject property has been approved by Environmental Health for an on-site sewage disposal system and has a water well.

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.

No new development is proposed as part of this project, however 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 an existing water well in which the installation was permitted by Environmental Health. 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.

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

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: 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.

Map 4: Soils: Severe Septic Tank Limitations

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

The permitted density will not create erosion or sedimentation problems.

The project parcels are all in excess of 160 acres. 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.

No new development is proposed as part of this project.

Map 5: Excessive Slope

Policy 11 – All areas with 30% or greater natural slope shall not be developed with facilities requiring septic tanks for sewage disposal.

Environmental Health does not permit septic systems on areas with 30% or greater slope. Although development of the site is not proposed with the zone change, this policy would be enforced with the review of any development applications(s) for septic system approval.

Policy 16 – Single family residential, light industrial, light commercial, open space, non-profit and non-organization in nature recreational uses, commercial/recreational uses, and public of quasi-public uses only may be permitted, if the area is proven to be less than 30% slope.

The permitted uses will not create erosion or sedimentation problems.

No new development is proposed as part of this project.

Map 9: Deer Wintering Area

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.

No new development is proposed as part of this project.

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.

There is no new development proposed as part of this project. The existing parcels exceed the minimum required size.

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 development is proposed with this zone change. Should the parcels be developed with structures in the future, Cal Fire PRC 4290 requirements, as applicable, would need to be satisfied

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 35 – The minimum parcel size on prime agricultural land shall be 40 acres. The permitted density will not create erosion or sedimentation problems.

No new development is proposed as part of this project and the parcels exceed the forty-acre minimum area and will not create erosion or sedimentation problems.

California Environmental Quality Act (CEQA) Findings

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