



Siskiyou County Planning Commission Staff Report October 19, 2022

Agenda Item Number 3 Goodwin Zone Change (Z-21-02) and Use Permit (UP-21-06)

Applicant:	Custom Crushing Industries, Inc.
Property Owners:	Paul and Clara Goodwin 2409 East Oberlin Road Yreka, CA 96097
Representatives:	Paul and Clara Goodwin 2409 East Oberlin Road Yreka, CA 96097
Project Summary	<p>The applicant is requesting approval of the following:</p> <ul style="list-style-type: none">• A Zone Change to rezone APN 013-120-230 from Prime Agricultural (AG-1) to Light Industrial (M-M) and rezone 013-120-330 from Prime Agricultural (AG-1) to Heavy Industrial (M-H).• A Use Permit to develop a concrete and asphalt recycling facility on the property and to expand an existing gravel parking lot.
Location:	The Project site is located on 2409 East Oberlin Road, approximately 190 feet west of South Phillippe Lane. APN 013-120-230 is approximately 16.5 acres and APN 013-120-330 is approximately 61 acres, totaling at 77.5 acres.
General Plan:	Geologic Hazard; Building Foundation Limitations; Severe Septic Tank Limitations; Excessive Slope; Water Quality; Flood Hazard; Surface Hydrology; Deer Wintering Areas; Wildfire Hazard; Woodland Productivity; Prime Agricultural Soils; and Composite Overall Policies.
Current Zoning:	Prime Agricultural (AG-1)
Proposed Zoning:	Light Industrial (M-M) and Heavy Industrial (M-H)
Exhibits:	A. Draft Resolution PC 2022-027 <ul style="list-style-type: none">A-1. Notations and Recommended Conditions of ApprovalA-2. Recommended Findings B. Draft Mitigated Negative Declaration C. Public Hearing Notice and Notice of Intent (NOI) D. PowerPoint Presentation E. Comments

Background

The Custom Crushing Industries Recycling Facility (Goodwin) project site is zoned AG-1, Prime Agricultural; however, neighboring properties to the west and south are zoned and operated for industrial purposes. The proposed zoning change would result in APN 013-120-320, currently zoned AG-1, being rezoned to M-M, Light Industrial. This parcel is currently developed on the western side as a gravel parking area with portable buildings, equipment storage, an access driveway, and a culvert to protect the ephemeral drainage. The proposed project includes an expansion site of approximately two acres for vehicle and equipment parking. A haul truck scale (75 feet by 10 feet) will be installed for company haul trucks. The proposed zoning change would also result in APN 013-120-330, currently zoned AG-1, being rezoned to M-H, Heavy Industrial. This parcel is currently undeveloped with the exception of an access driveway with a culvert. The proposed project would include installing a concrete and asphalt recycling plant of approximately a 300-foot by 300-foot pad on the southeastern portion of the parcel (APN 013-120-330). The proposed zoning is consistent with surrounding land uses.

The project site is located approximately 2.3 miles east of the City of Yreka along East Oberlin Road. Access to both sites would be from East Oberlin Road, and a secondary entrance with an approved encroachment permit is at the northeastern end of the north parcel from South Phillippe Lane. An encroachment permit was obtained in 2019 from the Siskiyou County Road Department. The southern parcel, APN 013-120-330, is 61 acres in size and the northern parcel, APN 013-120-320, is approximately 16.5 acres in size. The property owner proposes to develop and operate a construction waste recycling facility and expand an existing gravel parking lot.

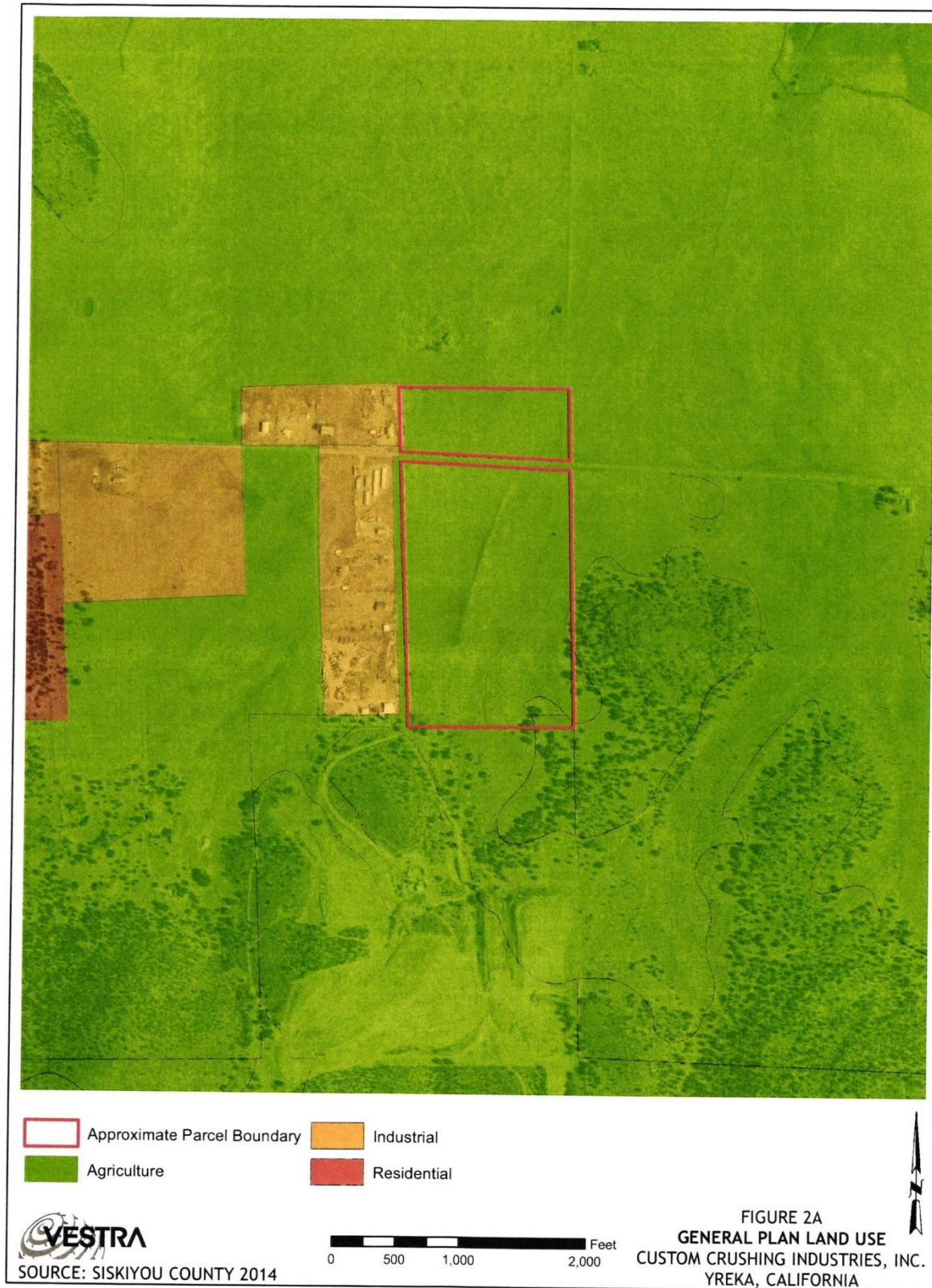


Figure 1: Project Location

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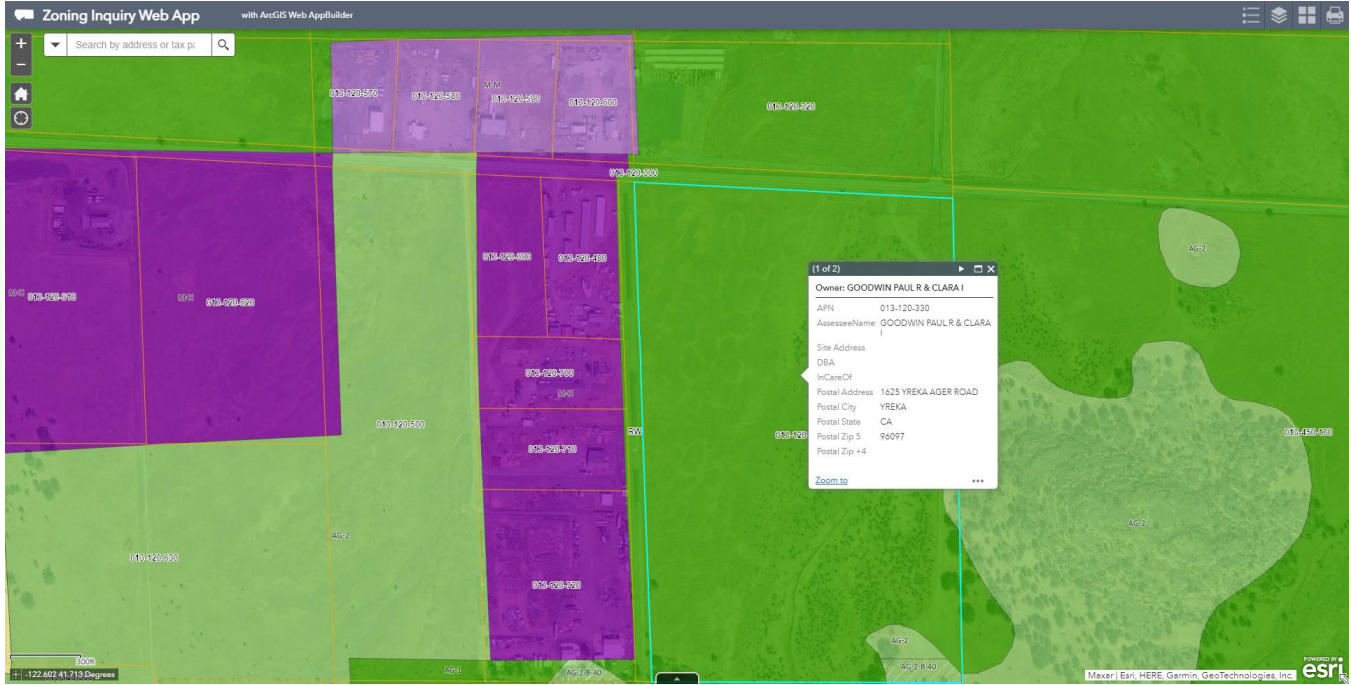


Figure 2a: Zoning Map

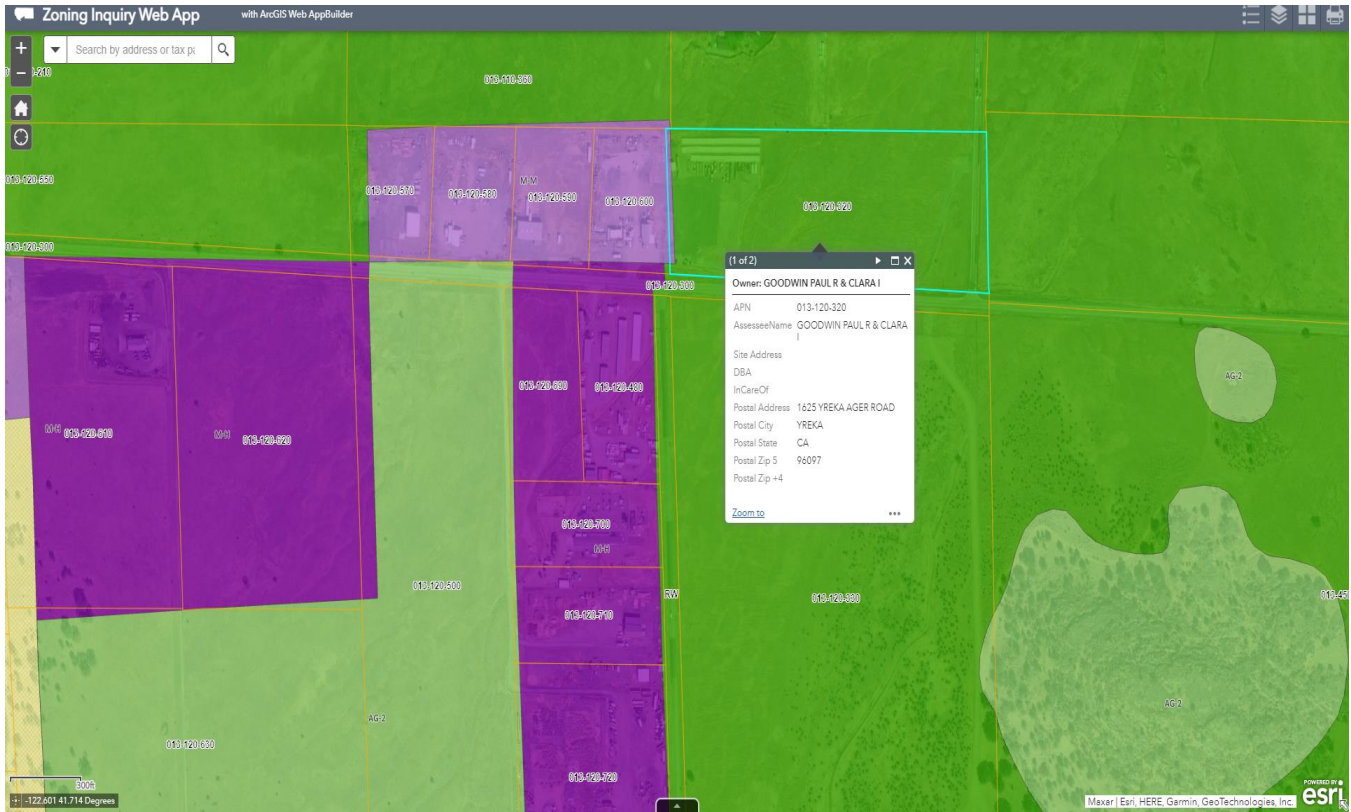


Figure 2b: Zoning Map

Analysis

General Plan (SVAP) Consistency

The Land Use Element of the Siskiyou County General Plan identifies the project site as being within the mapped resource overlay area for Geologic Hazard; Building Foundation Limitations; Severe Septic Tank Limitations; Excessive Slope; Water Quality; Flood Hazard; Surface Hydrology; Deer Wintering Areas; Wildfire Hazard; Woodland Productivity; Prime Agricultural Soils; and Composite Overall Policies 41.3(a, b, c, e, and f), 41.5, 41.6, 41.7, 41.8, 41.9, 41.10, 41.12, 41.13, 41.18, and 41.19(a-c) apply to the proposed project.

Policy #39 outlines the process for confirming that soils are in fact not suited for the Prime Agricultural zoning district. The following items may be needed when determining soil suitability:

- a. Submission of a soils test prepared by a California Certified Soil Scientist.
- b. Submission of well logs that specifically demonstrate there is not enough water available for irrigation purposes.
- c. A letter from the applicable irrigation district stating that they will not and cannot provide water.
- d. Any other factual, documented information that the area is not and has not been capable of supplying enough water for irrigation.
- 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.
- f. Submission of past financial records or statements that the agricultural operation is not economically feasible are not in any way considered to be adequate proof that the land is not prime.

Data has been included within the IS/MND to confirm that the soils are not conducive for the AG-1 zoning district. APN 013-120-320 has soils that consist of Salisbury gravelly clay loam, which have severe limitations to crop production and are prone to erosion. This parcel does not qualify as AG-1. APN 013-120-330 has soils that consist of Salisbury gravelly clay loam, Pit clay, and Hilt-Rock outcrop complex, which create environments not conducive for proper water drainage and are prone to erosion. This parcel does not qualify as AG-1. Well information contained in the IS/MND also confirms that there is little to no water within the water table, which likely contributes to poor drainage. Additionally, Jim Smith, Siskiyou County Agricultural Commissioner, has confirmed that these parcels should not be zoned AG-1, and are better suited for other uses, based on the above information on the soils.

Staff has conducted a detailed analysis of each of the required findings and found that the proposed project is consistent with the applicable General Plan policies governing the subject site. Additionally, the use of the property, is compatible with the surrounding land uses, would have adequate roadway access for transportation and public health and safety provisions, and would not create significant environmental impacts to on- or off-site resources. The recommended findings are detailed in the General Plan Consistency Findings section of Exhibit A-2 attached to this staff report and are submitted for the Commission's review, consideration, and approval.

Zoning Consistency

In concert with the General Plan, the Siskiyou County Code establishes zoning districts within the County and specifies allowable uses and development standards for each district. Under state law, each jurisdiction’s zoning must be consistent with its general plan. The area of the project site currently zoned AG-1 is proposed to be changed to Light Industrial on APN 013-120-320 and Heavy Industrial on APN 013-120-330, with one and two-acre minimums, respectively.

Pursuant to Section 10-6.4601 of the Siskiyou County Code, the M-M district permits a variety of uses such as repair shops, animal hospitals, lumbar yards, feed stores, assembly plants, bulk storage, or fruit and vegetable freezing and processing operations. Pursuant to Section 10-6.4701 of the Siskiyou County Code, the M-H district permits a variety of uses such as creameries, canneries, fertilizer production, or any uses permitted by right in the M-L or M-M districts. Uses allowed subject to a Conditional Use Permit approval include junk yards, heavy manufacturing, commercial excavation of stone or earth materials, airstrips, storage of flammables, and concrete or asphalt batching plants.

It is the Planning Director’s conclusion that the infrastructure, product and intensity of land use, as described above, of a concrete and asphalt recycling plant is sufficiently similar to a concrete or asphalt batching plant that the proposed use may be granted under a conditional use permit pursuant to SCC 10-6.4703(k). The M-M zoning allows for concrete or asphalt batch plants with an approved Conditional Use Permit. Concrete or asphalt batch plants are very similar in nature to this proposed project, which is to construct and operate a concrete and asphalt recycling facility. Based on the above information, staff agrees that a zone change and conditional use permit, based on the similar nature of a concrete or asphalt batch plant and concrete and asphalt recycling facility is consistent with Siskiyou County zoning requirements and policies. Based on staff’s analysis of the proposed use, staff believes that the necessary findings can be made for the approval of this application.

Discussion

The concrete and asphalt recycling facility would be located on the southeastern portion of APN 13-120-330 (south parcel). The main entrance to the plant (south parcel) is off of East Oberlin Road, approximately 190 feet west of South Phillipe Lane. The maximum size of the recycling plant would be approximately 3 acres. The parking lot expansion of approximately 2 acres would take place on the western portion of APN 13-120-320 (north parcel). This expansion would include installment of a truck scale (75 feet by 10 feet) for company use. This parcel is currently developed on the western side as a gravel parking area with portable buildings and equipment storage. The main entrance to the expansion area is from the existing development on the northern side of East Oberlin Road. A secondary entrance lies to the west of South Phillipe Lane on the eastern side of the property. The entrance from South Phillipe Lane is accessed by a driveway with a culvert protecting the ephemeral drainage.

Hours of operation will be 7:00 a.m. to 5:00 p.m., with eight (8) hours of operation expected per day. The operations at this site will vary based on time of year and type of construction projects within the area producing construction waste. The facility will function Monday through Friday with no night, weekend, or holiday operations. Construction waste will be recycled into aggregate bases. The proposed project will generate a maximum of 40 truck and ten employee trips per day when in operation. By providing a local recycling facility, the project will likely result in reduced emissions from transportation of construction waste. Facility operations will require one to five employees onsite at any given time.

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Inbound materials will arrive by truck with up to 40 loads (totaling 1,000 tons) anticipated per day. Construction waste will include used concrete, concrete asphalt, and asphalt which will be recycled into aggregate bases. Materials will be mixed, crushed, and screened onsite at APN 13-120-330. No additives, amendments, or bulking agents will be added to the materials during processing. Unloading, processing, storage, and loading will take place onsite in the plant area. The initial recycled base may be utilized to build up the recycling pad for a 300-foot by 300-foot dimension to a maximum of 3 acres in size if necessary to withstand a substantial amount of material being processed or stockpiled when the plant is operating. The recycled aggregate base will then be sold as base rock for residential driveways, and other similar uses.

Processing equipment onsite will include dump trucks, trailers, forklifts, loaders, crushing, screening and mixing equipment, and other similar diesel-powered heavy machinery. Diesel-powered generators may be used onsite if necessary. The equipment will be stored on the northern parcel in the expansion area, while operating equipment will be moved to the southern parcel as needed. Equipment will be maintained in good working order to reduce air quality impacts and noise generation. Fuel will be obtained from mobile carriers when in the field onsite. Haul trucks will fuel in town at a service station or card-lock facility. Projected work at the site will be solely based on the presence of large or a group of smaller projects in the local area. There will not be regular activity at the site because trucks will haul in spoils of projects on an as-needed basis. The first recycling period will begin after receiving a sufficient amount of material such as 10,000 tons, which is able to be recycled in approximately two weeks. Equipment will be on site, when necessary, not on a consistent basis; most machines will be moved off-site when not in use.

Environmental Review

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project. The IS/MND was posted to the State Clearinghouse on September 7, 2022 for the minimum 30-day public comment period.

Cultural Resources and Biological Resources were found to be *Potentially Significant* but were reduced to *Less Than Significant* after incorporation of the associated mitigation measures.

Under Biological Resources, does the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?

This was reduced to *Less than Significant with Mitigation Incorporated* with the following mitigation measures:

Mitigation Measure BIO-1 (Wetland Buffer):

- a) Any ground-disturbing activities would be restricted to areas outside of a buffer zone around any water courses onsite. Typically, ephemeral drainages require a 50-foot setback.

Mitigation Measure BIO-2 (Nesting Birds):

- a) Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31, when birds are not nesting; or
- b) If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

Surveys shall begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey shall consider acoustic impacts and line-of sight disturbances occurring as a result of the Project to determine a sufficient survey radius to maximize observations of nesting birds. A nesting bird survey report should be prepared and at a minimum, the report should include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, the presence of predators, etc.).

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 and U.S. Fish and Wildlife Service to comply with FGC sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Compliance measures may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified in the survey, as well as ongoing monitoring by biologists.

Mitigation Measure BIO-2 (Rare Plant Survey):

- a) If ground disturbance is proposed within the annual grassland community onsite, a protocol-level pre-construction survey will be completed for the following botanical species:
 - Peck's lomatium (*Lomatium peckianum*)
 - Woolly balsamroot (*Balsamorhiza lanata*)
 - Shasta orthocarpus (*Orthocarpus pachystachyus*)
 - Alkali hymenoxys (*Hymenoxys lemmonii*)

Under Cultural Resources, does the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

These areas were reduced to *Less than Significant with Mitigation Incorporated* with the following mitigation measures:

Mitigation Measure CR-1 (Cultural Resources):

There is potential to disturb or destroy any known or unknown cultural resource through ground disturbing activities associated with construction and operation.

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The following measures are generally included on all project plans in the County and shall be adhered to throughout project site work.

- a) If any cultural resources i.e., human bone or burnt animal bone, midden soils, projectile points, humanly modified lithics, historic artifacts, etc.) are encountered during any phase of construction, all earth-disturbing work shall stop within 100 feet of the find. The Siskiyou County Planning Department shall be notified, and a qualified archaeologist shall make an assessment of the discovery and recommend/implement mitigation measures as necessary. Siskiyou County shall consider mitigation recommendations presented by a qualified archaeologist that meets the Secretary of the Interior's Professional Qualification Standards in prehistoric or historical archaeology for any unanticipated discoveries. The County and the project applicant shall consult and agree upon implementation of a measure or measures that the County and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.
- b) If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery and the Siskiyou County Planning Department and the County Coroner shall be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.
- c) In the event that project plans change to include areas not included in the original project plan, additional reconnaissance shall be required prior to any earth disturbing activities to identify any potential cultural or paleontological resources or human remains. If any cultural resources are identified, Siskiyou County shall consider mitigation recommendations presented by a qualified archaeologist that meets the Secretary of the Interior's Professional Qualification Standards in prehistoric or historical archaeology for any unanticipated discoveries. The County and the project applicant shall consult and agree upon implementation of a measure or measures that the County and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.

A copy of the IS/MND can be found in Exhibit B.

Comments

This project has been circulated to Siskiyou County Reviewing Agencies and State Responsible Agencies. A Notice of Public Hearing was published in the Siskiyou Daily News on October 12, 2022 and mailed to property owners within 300 feet of the applicant's property. A Notice of Intent for the preparation of the IS/MND was published on September 7, 2022, acknowledging the 30-day public comment review.

Copies of the Public Hearing Notice and Notice of Intent can be found in Exhibit C.

Two public comments have been received at the time this staff report was written. Agency and public comments can be found in Exhibit E.

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Siskiyou County Public Works Department – January 8, 2022

Public Works provided comments related to ingress and egress onto the property and is requiring that the driveway be improved to commercial driveway standards. Additionally, they are recommending that the truck traffic only turn right, due to their concerns of safety and traffic along East Oberlin Road. Public Works also provided comment that there is no legal access from “Sanitary Landfill Road”.

Planning Response: The requirement to improve the driveway to commercial driveway standards is noted in Condition of Approval #5.

Siskiyou County Environmental Health Division – June 25, 2021

Environmental Health commented that this project will need to be permitted for either an Inert Debris Processing Facility or Inert Debris Type A Processing Operation, dependent upon the amount of tonnage processed.

Planning Response: This is noted in Condition of Approval #6.

California Department of Forestry and Fire Protection (CalFire) – November 24, 2021

CalFire had no comments regarding this project.

Planning Response: No response necessary.

California Department of Fish and Wildlife (CDFW) – November 29, 2021

CDFW provided their standard comments, which recommend conducting biological and botanical surveys, evaluating impacts on nesting birds, and minimizing lighting.

Planning Response: Biological and botanical surveys were conducted as part of the IS/MND. Minimal lighting is proposed.

California Department of Fish and Wildlife (CDFW) – October 5, 2022

CDFW provided comments related to Mitigation Measure BIO-1, stating that they concur with a wetland buffer in lieu of protecting wetland features, but denied deeming that a 50-foot buffer is adequate based on the data providing in the biological assessment. CDFW strongly encouraged a wetland delineation be conducted by a qualified biologist to identify wetland features and riverine habitats. Additionally, CDFW requested re-wording of Mitigation Measure BIO-2. Lastly, CDFW recommended additional plant surveys be conducted throughout the year.

Planning Response: Staff made the suggested changes to language in Mitigation Measure Bio-2. In terms of additional studies and data necessary, staff considers the information contained in the IS/MND sufficient for the proposed project.

Public Comment Letters– October 2022

Staff received two public comment letters in opposition to the project, the letters highlighted the following concerns:

- Heavy Industrial zoning is inconsistent with the current surrounding agricultural, residential, and light industrial zoning appropriate to the main corridor of Oberlin Road, Phillippe Lane and nearby areas;

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Planning Response: There are both light and heavy-industrially zone parcels surrounding the proposed project and also adjacent to the proposed project. There are seven parcels near the property zoned as Light Industrial (M-M) and seven parcels near the property zoned as Heavy Industrial (M-H). The zoning of the surrounding properties are shown in this staff report, on Figures 2a and 2b, Zoning Map.

- We believe that any operation allowed in a Heavy Industrial zone would cause noise pollution above acceptable levels in a Light Industrial zone;

Planning Response: Based on the environmental analysis of the IS/MND, data was not shown to produce noise pollution to the effect of being considered 'Potentially Significant'. Noise was defined as either 'Less than Significant' or 'No Impact'. Once in operation, the primary source of noise from the project would be from crushing and screening equipment. Noise will also be generated by dump trucks, loaders, and other heavy machinery operated onsite as well as project-related traffic. This will not be a consistent noise disturbance due to the operations at the site being based on large local construction activities. The nearest residential receptor to the site is a single-family residence located approximately 0.56 miles north of the proposed project on APN 013-110-340. The closest large residential area to the project site is the City of Yreka, approximately 1 mile west of the site. At this distance from the project site, it is not anticipated that noise levels from the project would exceed 65 dB Ldn at the nearest residential land uses. Noise generated from project operations would be consistent with adjacent industrial land uses. In addition, the project would only operate between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. No night, weekend, or holiday operations are planned. Additionally, it was not identified that the proposed project would generate excessive groundborne vibration or expose people to excessive noise levels.

- Aggregate and fugitive dust constitute some of the major environmental concerns near any concrete and asphalt recycling rock-crushing facility, since the dust results in air pollution that can cause silicosis (lung disease from dust inhalation) and other upper respiratory complications, such as bronchitis, lung-damage and asthma in humans (including local business owners and residents) and animals (including livestock, dogs, and wild animals);

Planning Response: Based on the environmental analysis of the IS/MND, the data available was not shown to produce dust pollution from the proposed project. All vehicle areas have been or will be rocked for dust control. If necessary, a company water truck will be used to mitigate dust emissions. The proposed project may create dust emissions. Potential sources of dust include material loading and unloading, crushing, chipping, grinding, mixing, and screening, as well as operation of site equipment. Fugitive dust from vehicle traffic will be limited due to the short distance to paved county roadways. The proposed project will use diesel-powered equipment and trucks to haul and process material. Siskiyou County is in attainment for PM10. All vehicle areas are or will be rocked to reduce dust emissions, and a company water truck will be utilized on an as-needed basis. Processing equipment will be maintained in good working order to reduce air quality impacts. There will be less than significant impact with project-defined controls.

- Dust from concrete and asphalt recycling rock-crushing facilities restrict visibility at the job site and off-site and contributes to regional haze. Regional haze consists of fine dust particles that mix with smoke and moisture to create smog that becomes suspended in the air and impairs visibility;

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Planning Response: The SCAPCD operates an air quality monitoring station in Yreka. The Foothill Drive monitoring station is the closest air quality monitoring station to the proposed site. Data from the station are summarized in Table 1.

**Table 1: Ambient Air Quality Monitoring Data
Yreka-Foothill**

Pollutant	California	Federal	Year	Maximum Yearly Average Concentration	Days (Samples) State/Fed Standard Exceeded
Ozone (O ₃) (1-Hour)	0.09 ppm for 1 hour	NA	2018	0.039	0/*
			2019	0.045	0/*
			2020	0.046	0/*
Ozone (O ₃)	0.07ppm for 8 hours	0.097 ppm for 8 hours	2018	0.039	0/0
			2019	0.033	0/0
			2020	0.038	0/0
Particulate Matter (PM ₁₀)	50 ug/m ³ for 24 hours	150 ug/m ³ for 24 hours	2018	NA	
			2019		
			2020		
Fine Particulate Matter (PM _{2.5})	No 24-hour State Standard	35 ug/m ³ for 24 hours	2018	36.25	39
			2019	16.10	4
			2020	11.63	0

Source: California Air Resources Board (CARB) Air Pollution Summaries

The proposed project may create dust emissions. Potential sources of dust include material loading and unloading, crushing, chipping, grinding, mixing, and screening, as well as operation of site equipment. Fugitive dust from vehicle traffic will be limited due to the short distance to paved county roadways. The proposed project will use diesel-powered equipment and trucks to haul and process material. Siskiyou County is in attainment for PM₁₀. All vehicle areas are or will be rocked to reduce dust emissions, and a company water truck will be utilized on an as-needed basis. Processing equipment will be maintained in good working order to reduce air quality impacts. There will be less than significant impact with project-defined controls.

Siskiyou County is in attainment or unclassified for all state and federal standards for air pollutants (CARB AQP, 2015). All vehicle areas have been or will be rocked to reduce dust emissions, and processing equipment will be maintained in good working order to reduce air quality impacts. There will not be regular activity at this site producing on an annual basis. The

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vehicle areas will be utilized, when necessary, based on construction and work being completed in the area.

Industrial zoning implies increased diesel truck traffic. There are several sources of diesel truck traffic currently in the area. Air pollutants will be generated by vehicle emissions from diesels trucks transporting material to and from the site as well as heavy equipment operating onsite and employee vehicle traffic. The proposed project will generate a maximum of 40 truck and 10 employee trips per day. By providing a local recycling facility, the project will likely result in reduced emissions from transportation of construction waste. Lastly, the project would not cause air emissions which would create objectionable odors affecting a substantial number of people. Wind patterns are generally north-south in the area. There will be no impact.

- Dust from concrete and asphalt recycling rock-crushing facilities can migrate to and pollute nearby surface water in irrigation canals, ponds, streams, and rivers; and

Planning Response: There was no data from the IS/MND that identified dust pollution. Additionally, there was no data shown that would indicate dust moving into water sources nearby.

- Dust from concrete and asphalt recycling rock-crushing facilities that settles on nearby vegetation can weaken or kill the vegetation.

Planning Response: There was no data from the IS/MND that identified dust pollution. Additionally, there was no data shown that would indicate dust moving into vegetation nearby.

Planning Staff Recommendations

- Adopt Resolution PC-2022-027 taking the following actions:
 - Conditionally approve the proposed Use Permit based on the recommended findings and subject to the recommended conditions of approval; and
 - Recommend the Board of Supervisors approve the Zone Change request based on the recommended findings and subject to the recommended conditions of approval; and
 - Recommend the Board of Supervisors approve the Mitigated Negative Declaration (MND) in accordance with Sections 15074 of the CEQA Guidelines.

Suggested Motion

I move that we adopt Resolution PC 2022-027 of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Siskiyou County Board of Supervisors Approve the Goodwin Zone Change (Z-121-02) and Use Permit (UP-21-06), and Associated Mitigated Negative Declaration Pursuant to the California Environmental Quality Act.

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Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Hailey Lang, Deputy Director of Planning
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

Resolution PC 2022-027

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Siskiyou County Board of Supervisors Approve the Goodwin Zone Change (Z-121-02) and Use Permit (UP-21-06), and Associated Mitigated Negative Declaration Pursuant to the California Environmental Quality Act

Whereas, an application has been received from Custom Crushing Industries, Inc., to change the zoning of APN 013-120-230 from Prime Agricultural (AG-1) to Light Industrial (M-M) and APN 013-120-330 from Prime Agricultural (AG-1) to Heavy Industrial (M-H); and

Whereas, an application has been received from Custom Crushing Industries, Inc., to operate a construction waste recycling facility and expand an existing parking lot thus requiring a Use Permit; and

Whereas, APN 013-120-320 is currently developed on the western side as a gravel parking area with portable buildings, equipment storage, an access driveway, and a culvert to protect the ephemeral drainage; and

Whereas, APN 013-120-330 is currently undeveloped; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on October 12, 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 Goodwin Zone Change (Z-21-02) at a regular meeting of the Planning Commission on October 19, 2022; and

Whereas, a Notice of Intent (NOI) was submitted to the State Clearinghouse on September 7, 2022, commencing a 30-day public comment period; and

Whereas, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared pursuant to the California Environmental Quality Act (CEQA); and

Whereas, the Planning Division recommends approval of the Goodwin Zone Change (Z-21-02) subject to the conditions of approval included in Attachment A-1 to this resolution; and

Whereas, on October 19, 2022, the Planning Commission (the advisory body) held a public hearing and considered all oral and written comments of the IS/MND, the Project, and associated actions; 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 Goodwin Zone Change (Z-21-02) and Use Permit (UP-21-06):

1. Conditionally approve the proposed Use Permit based on the recommended findings and subject to the recommended conditions of approval; and
2. Recommend the Board of Supervisors approve the Zone Change request based on the recommended findings and subject to the recommended conditions of approval; and
3. Recommend the Board of Supervisors approve the Mitigated Negative Declaration (MND) in accordance with Sections 15074 of the CEQA Guidelines.

It is Hereby Certified that the foregoing Resolution PC-2022-027 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____ at a regular meeting of the Siskiyou County Planning Commission held on the 19th day of October 2022 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

Danielle Lindler, Chair

Witness, my hand and seal this 19th day of October 2022

Hailey Lang, Secretary of the Commission

Exhibit A-1 to Resolution PC 2022-027
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. 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.
3. 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.
4. 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 of 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.
5. 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 (for UP 21-06)

1. The project shall substantially conform to the project description reviewed by the Planning Commission on October 19, 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 and M-H zoning districts.
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 and/or Federal regulatory agencies.
4. All Mitigation Measures contained in the Mitigated Negative Declaration must be met.
5. The driveway onsite must be improved to commercial driveway standards.
6. This operation will need to be permitted for either an Inert Debris Processing Facility or Inert Debris Type A Processing Operation, dependent upon the amount of tonnage processed.
7. A Stormwater Pollution Prevention Plan (SWPP) must be submitted to the Regional Water Quality Control Board prior to the operation commencing business.
8. The operator must obtain coverage under the general National Pollutant Discharge Elimination System (NPDES) Permit for Industrial Activities (IGP).
9. 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.

10. A satisfactory assessment and verification of soil by a Certified Soil Scientist (CSS) prior to presentation to the Board of Supervisors is required.
11. Chemical toilets, handwashing stations, and bottled water is required for employees during operation (1 chemical toilet every 1-15 employees per gender).

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 11.
3. The proposed Zone Change of Prime Agricultural (AG-1) to Light Industrial (M-M) and Heavy Industrial (M-H) is consistent with existing and permitted land uses surrounding the project site.
4. The proposed Zone Change is compatible with the surrounding zoning of Heavy Industrial (M-M), Prime-Agricultural (AG-1), and Non-Prime Agricultural (AG-2).
5. The proposed use as a concrete and asphalt recycling facility is sufficiently similar to a concrete and asphalt batch plant such that a conditional use permit may be granted pursuant to Siskiyou County Code 10-6.4703.
6. 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: The following policies shall determine the location of any proposed use of land:

- a. All heavy commercial, and heavy industrial uses must provide or have direct access onto major thoroughfares or existing industrial/commercial streets capable of accommodating the traffic that could be generated from the proposed use.

The IS/MND that was prepared for this project does not identify any issues related to accommodating traffic of the proposed use.

- 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 proposed project has existing access and access improvements will be made under Condition of Approval #5.

- c. All heavy commercial and heavy industrial uses should be located away from areas clearly committed to residential uses.

There are no residentially zoned areas adjacent to this project.

- e. All proposed uses of the land shall be clearly compatible with the surrounding and planned uses of the area.

The proposed and current uses include light and heavy industrial which are compatible to the surrounding area.

- 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 uses will not destroy or disrupt any mapping 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 proposed project includes buildable sites and will not create erosion, runoff, access, fire hazards, or any other 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 containment ground water.

The proposed project will meet any requirements of the Siskiyou County Health Department and the California Regional Water Quality Control Board related to sewage disposal and ground water contamination.

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

The proposed project will meet any requirements of the Siskiyou County Health Department related to water quality and quantity.

Policy #41.8: All proposed development shall be accompanied by evidence acceptable to the Siskiyou County Health Department as to the adequacy of on-site sewage disposal or the ability to connect into 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 lands uses permitted that will meet minimum water quality and quantity requirements, and the requirements of the county's flood plain management ordinance.

No septic or sewage disposal is proposed as part of this project.

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 proposed project has existing access and access improvements will be made under Condition of Approval #5.

Policy #41.10: All area plans adopted by the county will take precedence to any policies of the county wide Land use Element. Any area plan prepared for any area of the County must be geographically defined in a logical manner and contain all requirements of applicable state laws. Any plan approved by the Board of Supervisors will become a part of the County Land Use Element for that applicable portion of the county.

The proposed project conforms to the requirements of both the General Plan.

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

Should any historic features be found, the project applicant will need to carry out requirements identified in Condition of Approval #4.

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

The proposed project will carry out the mitigation measures defined in the IS/MND, SCH # 2022090096.

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.

The proposed project conforms to the policies identified in the Land Use Element.

Policy #41.19: It is the intent of all the policies in the Land Use Element to accomplish the following:

- a. Encourage intensive development near existing urban areas and away from natural resources.

The proposed project is near the City of Yreka, approximately 2.3 miles away.

- b. Ensure compatibility of all land uses. (Subsections a, c, and d are not applicable to the project.).

The proposed project is compatible with surrounding land uses.

- c. Encourage heavy industrial and heavy commercial uses near major thoroughfares, existing urban areas, other locations most suited for the particular type of heavy commercial or heavy industrial use.

The proposed project is near a major thoroughfare, approximately 2.3 miles away.

Map 1: Geologic Hazard

Policy #1: No development will be allowed in identified and potential landslide areas unless certified by a licensed California Geologist, as reasonably safe for the development proposed.

The proposed project does not have any identified potential landslide areas. No development will occur within or on a landslide area.

Map 3: Building Foundation Limitations

Policy #8: Enforce building construction standards (Uniform Building Code) and public works requirements.

All proposed building will meet California Building Code requirements.

Map 4: Severe Septic Tank Limitations

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 and Use Permit will not create erosion or sedimentation problems.

Map 5: Excessive Slope

Policy #16: Single-family residential, light industrial, light commercial, open space, nonprofit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted, if the area is proven to be less than 30 percent slope.

The permitted uses will not create erosion or sedimentation problems.

The proposed Zone Change and Use Permit will not occur on slope areas and will not create erosion or sedimentation problems.

Map 6: Water Quality

Policy #20: Single family residential, light industrial, light commercial, 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 proposed project will not impede or affect current water quality standards located within or near the project area.

Map 7: Flood Hazard

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

No development has or will occur within the 100-Year Flood hazard boundary.

Policy #24: Single family residential, light industrial, light commercial, open space, non-profit and non-organizational 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 project will meet requirements of both Policy 22 and Policy 24.

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 will occur on water bodies.

Map 9: Deer Wintering Areas

Policy #28: Single family residential, light industrial, light commercial, 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 proposed project will not affect deer wintering areas.

Map 10: Wildfire Hazard Area

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.

The proposed project will have safe ingress, egress, and have adequate water supply for fire suppression.

Map 11: Woodland Productivity

Policy #32: Single-family residential, light industrial, light commercial, open space, nonprofit and non-organizational in nature recreational uses, commercial / recreational uses, and public or quasi-public uses only may be permitted.

The proposed project includes light industrial uses which are allowable under this policy.

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

The proposed project will not affect or destroy timber productivity.

Map 12: Prime Agricultural Soils

Policy #34: All land uses, and densities shall be designated so as not to destroy timber productivity on large parcels and highly suitable woodland soils. (Class I and II.)

The proposed project will not affect or destroy timber productivity.

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 uses will not create erosion or sedimentation problems.

The proposed project will include light industrial uses 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:

- a. Submission of a soils test prepared by a California Certified Soil Scientist.
- b. Submission of well logs that specifically demonstrate there is not enough water available for irrigation purposes.
- c. A letter from the applicable irrigation district stating that they will not and cannot provide water.
- d. Any other factual, documented information that the area is not and has not been capable of supplying enough water for irrigation.
- 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.
- f. Submission of past financial records or statements that the agricultural operation is not economically feasible are not in any way considered to be adequate proof that the land is not prime.

The proposed rezone from AG-1 to M-M and M-H have been confirmed through subsections a, b, and d.

California Environmental Quality Act (CEQA) Findings

- a) 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.
- b) The Planning Commission has reviewed the prepared Initial Study/Mitigated Negative Declaration (IS/MND) and advises the Board of Supervisors that the environmental documentation for the proposed project is sufficient, and that there are no unavoidable significant impacts to occur.
- c) 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.