

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 FowLe and seconded by Commissioner Veale at a regular meeting of the Siskiyou County Planning Commission held on the 19th day of October 2022 by the following vote:

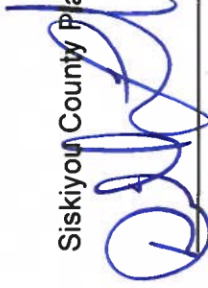
Ayes: Commissioners MeLo, FowLe, Veale and Lindler

Noes:

Absent: Commissioner Hart

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.