# Staff Report

Meeting Date: December 6, 2022

To: Siskiyou County Board of Supervisors

From: Rachel Jereb, Planner

Subject: Proposed Zone Change (Z-22-04) Amending Zoning District Map 10-6.205-297 and CEQA Determination

## Background

The project is a proposed rezone of approximately 10 acres from Non-Prime Agricultural (AG-2) to Highway Commercial (C-H) in order to bring the zoning into conformance with the historic use of the property.

The project site is located at 17604 State Highway 97, just north of Deer Mountain Road (National Forest Primary Route 19) on APNs: 019-080-060, 019-080-080, and 019-080-090; Township 43 North, Range 3 West, Section 9. The existing parcels have various levels of development, as detailed below.

**APN: 019-080-060 (west of U.S. 97, approximately 2.0 acres)**
Undeveloped

**APN: 019-080-080 (east of U.S. 97, approximately 1.5 acres)**
1948 – 2,947 square foot motel known as Deer Mountain Lodge

1975 – 1,342 square foot single-family dwelling that was originally built in 1935 was moved onto the project site from a Caltrans station in Bray

1975 – 1,037 square foot single-family dwelling that was originally built in 1942 was moved onto the project site from the Caltrans Grass Lake Maintenance Station

**APN: 019-080-090 (east of U.S. 97, approximately 6.5 acres)**
1936 – 144 square foot service station building, rebuilt in 1957
1945 – 144 square foot “storage house”
1948 – 884 square foot shed
1950 – two billboards
1952 – water storage tank
1954 – 1,050 square foot restaurant, 352 square feet added in 1957, 744 square feet added in 1976
1973 – 78 square foot pump house
1974 – overnight trailer spaces

1976 – 688 square foot single-family dwelling that was originally built in 1930 was moved onto the project site from a Caltrans station in Bray

1976 – 952 square foot single-family dwelling that was originally built in 1942 was moved onto the project site from a Caltrans station in Bray

date unknown – animals sheds and pens that were listed as “very old” in 1977
date unknown – foundation for “electric plant”

The project was initially considered by the Planning Commission at a public hearing on November 16, 2022. Following the hearing, the Planning Commission voted 4-0, with one commissioner absent, and adopted Resolution PC 2022-029, recommending that the Board of Supervisors adopt the CEQA Exemptions for the project and approve the proposed rezone (Z-22-04).

Notice of the project was published and posted as required prior to the Board of Supervisors meeting and no public comments were received as of the preparation of this staff report.

## Environmental Review

Staff evaluated the project’s potential for environmental impacts by reviewing the project relative to Appendix G of the CEQA Guidelines. Based on this review, it was determined that the rezone, as proposed, would not adversely impact the environment.

Because there is not substantial evidence, in light of the whole record before the County, that the proposed zone change may have a significant effect on the environment, staff is recommending that the Planning Commission and Board of Supervisors make the finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to the “common sense exemption” of CEQA Guidelines Section 15061(b)(3), which states that “CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where is can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Additionally, staff is recommending this project be determined exempt pursuant to the Class 1 exemption that is applicable to Existing Facilities (Section 15301).

The Class 1 section consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures where there is negligible or no expansion of existing or former use. The property has been developed for uses appropriate to the C-H district starting since 1936. Other C-H uses and structures were added over the next 40 years. No expansion of the existing structures or uses is proposed and no new structures or uses are proposed.

The proposed CEQA exemptions must be considered together with any comments received during the public review process. Further, the exemptions can only be approved if the finding is made, based on the whole record before it, that there is not substantial evidence that there are unusual circumstances (including future activities) which might reasonably result in the project having a significant effect on the environment.

## Recommended Action

As detailed in Resolution PC 2022-029, it is the recommendation of the Planning Commission that the Board of Supervisors approve the proposed zone change. Should the Board of Supervisors concur with the recommendation of the Planning Commission, the Board of Supervisors must adopt an ordinance amending Zoning District Map 10-6.205-297. A draft motion to this effect is provided below.

## Recommended Motions

I move to take the following actions:

1. Introduce, waive, and approve the first reading of the proposed Hickey rezoning to amend Zoning District Map 10-6.205-297; and
2. Direct the Clerk to schedule a continued public hearing on adoption of the CEQA exemption and a second reading of the ordinance amending Zoning District Map 10-6.205-297.

## Attachments

1. Draft Ordinance No. \_\_\_\_\_\_\_, an Ordinance of the County of Siskiyou, State of California, Reclassifying Land Northeast of the City of Weed from Non-Prime Agricultural (AG-2) to Highway Commercial (C-H) on APNs: 019-080-060, 019-080-080, 019-080-090; Township 43 North, Range 3 West, Section 9, MDB&M
2. Planning Commission Staff Report – November 16, 2022
3. Signed Resolution PC 2022-029