

Resolution PC 2024-028

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Board of Supervisors Determine the Project Exempt from the California Environmental Quality Act and Approve the McDonagh Zone Change (Z-24-01)

Whereas, an application has been received from John McDonagh, owner of the Wolf Creek Tree Farm, to rezone approximately 323 acres from Rural Residential Agricultural (R-R-B-40) to Timberland Production (TPZ); and

Whereas, the rezone covers the entirety of Assessor Parcel Number 031-290-010, which is an approximately 323-acre legal parcel; 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, comments received on the project resulted in conditions of approval being recommended by staff; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on December 4, 2024; and

Whereas, public hearing notices were provided pursuant to Siskiyou County Code Section 10-2805 *et seq.*; and

Whereas, the Planning Division presented its oral and written staff report on the McDonagh Zone Change Z-24-01 at a regular meeting of the Planning Commission on December 18, 2024; and

Whereas, the Planning Division recommended that the Planning Commission recommend that the Board of Supervisors adopt the findings set forth in Exhibit A-1 and approve Zone Change Z-24-01; and

Whereas, on December 18, 2024, the chair of the Planning Commission opened the duly noticed public hearing on the McDonagh Zone Change Z-24-01 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.

Now, Therefore, Be It Resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A-1 attached to this resolution; and

Be It Further Resolved that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit A-1, recommends that the Board of Supervisors determine that the project is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15264 and approve the McDonagh Zone Change Z-24-01.

It is Hereby Certified that the foregoing Resolution PC 2024-008 was duly Adopted on a motion by Commissioner Melo and seconded by Commissioner Hart at a regular meeting of the Siskiyou County Planning Commission held on the 18th day of December 2024, by the following roll call vote:

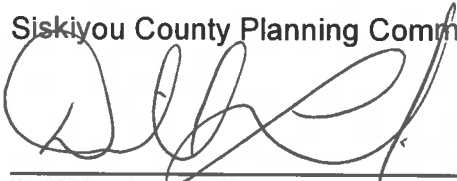
Ayes: Commissioners Hart, Melo, Veale and Lindler

Noes:

Absent: Commissioner Fowle

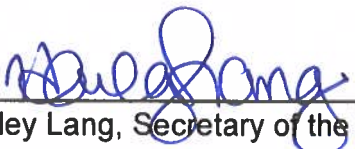
Abstain:

Siskiyou County Planning Commission



Jeff Fowle, Chair
Danielle Lindler, Vice-Chair

Witness, my hand and seal this 18th day of December 2024



Hailey Lang, Secretary of the Commission

Exhibit A-1 to Resolution PC 2024-028
Recommended Findings

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 is consistent with Siskiyou County Code Title 10, Chapter 6.
3. The proposed zone change from Rural Residential (R-R-B-40) to Timberland 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 Timberland Production District (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 parcel that is part of this project meets 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 to be included in the Timberland Production Zone meets the stocking standards requirements of Government Code Section 51113(3)(A), Public Resources Code Section 4561 and the California Forest Practice Rules 2024.

Exhibit A-1 to Resolution PC 2024-028
Recommended Findings

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 use of the land for timber production has been in existence since the 1850s. The use of the land for timber production is clearly compatible with the surrounding area as all surrounding parcels are dedicated to forestry or timber production.

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 historic and continued use of the land for timber production will not be disruptive or destroy mapped resources.

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. Access to the property is via McKeen Road, a private road capable of accommodating future timber production activities.

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

This area falls within the ethnographic boundary of the Scott Valley Shasta Tribe. As part of the California Cooperative Forest Management Plan, a Confidential Archeological Letter (CAL) was written for the property in the McDonagh Emergency Timber Operations of 2022 (2-22-EM-00083-SIS). According to Callahan Mining District (Scott River Mining District) records, there are two named mines in the area.

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

The California Cooperative Forest Management Plan identifies plant and animal species that are known to occur or have potential suitable habitat within the plan area. As part of the plan, conditions have been developed to preserve and protect rare and endangered species in accordance with accepted professional practices.

Exhibit A-1 to Resolution PC 2024-028
Recommended Findings

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

Map 2: Erosion Hazard

Policy 7 – Specific mitigation measures will be provided that lessen soil erosion, including contour grading, channelization, revegetation of disturbed slopes and soils, and project time (where feasible) to lessen the effect of seasonal factors (rainfall and wind).

No new development is proposed as part of this project. However, the California Cooperative Forest Management Plan submitted by the applicant includes specific requirements that lessen soil erosion and ensure that the project will not have any negative effects related to soil erosion.

Map 4: Soils: Severe Septic Tank Limitations

Policy 9 – The minimum parcel size shall be one acre on zero to 15 percent slop and five acres on 16 to 29 percent slope.

The property is 323 acres and meets the minimum parcel size requirements.

Policy 10 – Single-family residential, heavy or light industrial, heavy or 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 permitted density 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 percent or greater natural slope shall not be developed with facilities requiring septic tanks for sewage disposal.

No new development is proposed as part of this project.

Policy 15 – Areas designated 30 percent or greater natural slope but proven to be less than 30 percent slope shall only be developed when a grading plan for roads, acceptable to the Department of Public Works, has been submitted.

No new development is proposed as part of this project.

Exhibit A-1 to Resolution PC 2024-028
Recommended Findings

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 new development is proposed as part of this project. As part of the building application process, all future development must comply with fire safe standards enacted pursuant to Public Resources Code (PRC) Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of CAL FIRE.

Map 11: Woodland Productivity

Policy 31 – The minimum parcel size shall be one acre on 0-15% slope, and 5 acres on 16-29% slope.

The existing parcel has varying slopes and contains approximately 323 acres, which exceeds the minimum parcel size. The parcel acreage will not change as part of this project.

Policy 32 – 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.

The proposed zone change to Timberland Production will allow uses that are permitted uses per Policy 32 and will not create erosion or sedimentation problems.

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

The proposed zone change to Timberland Production will not destroy timber productivity and will not change the size of the existing parcel. In addition, the parcel is not classified as Class I or II.

California Environmental Quality Act (CEQA) Findings

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

Exhibit A-2 to Resolution PC 2024-028
Notations and 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 December 18, 2024, 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.