

Resolution PC 2025-006

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Conditionally Approving the Pfeiffer Tentative Parcel Map (TPM-24-01) and Recommending that the Siskiyou County Board of Supervisors Determine the Project Exempt from the California Environmental Quality Act and Approve the Pfeiffer Zone Change (Z-24-02) by Adopting a Draft Ordinance Rezoning 13.72 Acres from AG-2 to R-R-B-5.

Whereas, an application has been received from Terry Curry of Terry Curry Land Surveying for a zone change and tentative parcel map to subdivide a 13.72-acre legal parcel (APN: 021-640-070) into two parcels of 6.86- and 6.86-acres and change the zoning district from Non-Prime Agricultural (AG-2) to Rural Residential Agricultural, 5-acre minimum parcel size (R-R-B-5); and

Whereas, the current zoning district is Non-Prime Agricultural (AG-2) and, in order to facilitate the division of the existing parcel into two smaller parcels, a zone change to Rural Residential Agricultural, 5-acre minimum parcel size (R-R-B-5) is necessary; and

Whereas, a tentative parcel map was prepared for the project as required by Section 10-4.501.1 of the Siskiyou County Code; and

Whereas, the project site is currently partially developed with an existing single-family dwelling, a well and septic system, and multiple sheds; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on February 26, 2025; 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 Zone Change (Z-24-02) and Tentative Parcel Map (TPM-24-01) at a regular meeting of the Planning Commission on March 19, 2025; and

Whereas, the Planning Division recommended that the project be determined exempt from the California Environmental Quality Act (CEQA) based on the “common sense” that CEQA only applies to projects with the potential to result in a significant impact on the environment in accordance with CEQA Guidelines Section 15061(b)(3); and

Whereas, the Planning Division recommended that the project be determined exempt from CEQA pursuant *Existing Facilities* (Section 15301), as the property is already partially developed; and

Whereas, the Planning Division recommended approval of both Zone Change (Z-24-02) and Tentative Parcel Map (TPM-24-01) subject to the conditions of approval included in Attachment A-1 to this resolution; and

Whereas, on March 19, 2025, the Chair of the Planning Commission opened the duly noticed public hearing on Zone Change (Z-24-02) and Tentative Parcel Map (TPM-24-01) to receive testimony both oral and written, following which the Chair closed the public hearing and the Commission discussed the project; and

Whereas, there is not substantial evidence, in light of the whole record before the County, that the proposed zone change and tentative parcel map would have a significant effect on the environment; and

Whereas, on March 19, 2025, the Commission discussed Z-24-02 and TPM-24-01 prior to reaching its decision.

Now, Therefore, Be It Resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A-2 of the written staff report; and

Be It Further Resolved that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit A-2, hereby takes the following actions on Zone Change (Z-24-02) and Tentative Parcel Map (TPM-24-01):

1. Conditionally approves Tentative Parcel Map (TPM-24-01), subject to the notations and conditions of approval contained in Exhibit A-1 to this resolution referenced hereto and incorporated herein; and
2. Recommends the Board of Supervisors of Siskiyou County determine the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and Section 15301; and
3. Recommends the Board of Supervisors of Siskiyou County approve Zone Change (Z-24-02), subject to the conditions of approval contained in Attachment A-1 to this resolution.

It is Hereby Certified that the foregoing Resolution PC 2025-006 was duly adopted on a motion by Commissioner Veale and seconded by Commissioner Lindler at a regular meeting of the Siskiyou County Planning Commission held on the 19th day of March 2025 by the following roll call vote:

Ayes: Commissioners Melo, Lindler, Veale and Fowle

Noes:

Absent: Commissioner Hart

Abstain:

Siskiyou County Planning Commission


Jeff Fowle, Chair

Witness, my hand and seal this 19th day of March 2025


Hailey Lang, Secretary of the Commission

Exhibit A-1 to Resolution PC 2025-006
Notations and Recommended Conditions of Approval

Notations

1. Within ten (10) days following the date of the decision of the Siskiyou County Planning Commission, the decision may be appealed to the Siskiyou County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
2. Upon adoption of the categorical exemption, 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 categorical exemption from 35 days to 180 days.
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, 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

1. The project shall substantially conform to the project description and exhibit map reviewed and conditionally approved by the Planning Commission on April 19, 2025. 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. A Taxes and Assessments Certificate shall be obtained from the County Assessor's Office, signed by the County Tax Collector, and submitted with the legal descriptions for recording.
3. The engineer or surveyor for the applicant shall submit two copies of the map to the Planning Division to the satisfaction of the Planning Director for review and processing along with the applicable review fees as required by the adopted fee schedule.
4. The applicant shall comply with all adopted rules and regulations of the Siskiyou County Public Works Department, Environmental Health Division of the Siskiyou County Community Development Department, and all other local and state regulatory agencies.
5. The applicant shall comply with, and provide verification of compliance, with all applicable statutory requirements of the fire safe standards enacted pursuant to Public Resources Code Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of CAL FIRE and Siskiyou County Planning Division.
6. The following notations shall be placed on the face of the additional Notation and Disclosure Map for the Parcel Map:
 - *Pursuant to Siskiyou County Ordinance (No. 90-28), this land division is subject to an Agricultural Operations Notice Policy (Right to Farm Ordinance).*
 - *If any potential prehistoric, ethnographic, and/or historic cultural resource(s) or material(s) be discovered on or below the surface during any phase of future development, all work shall stop, archaeological consultation shall be sought immediately, and the Siskiyou County Planning Division shall be notified. If the findings are deemed significant by the Siskiyou County Planning Division, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.*
 - *Encroachment Permits are required for any work or encroachment within the County Road right-of-way. Work may include, but is not limited to: driveways, mailboxes, underground utilities, culverts, maintenance of existing improvements, and removal of vegetation adjacent to driveways.*

7. Areas approved for on-site sewage disposal systems shall be shown on the face of an additional Notation and Disclosure Exhibit Map for the Parcel Map, to the satisfaction of the Siskiyou County Environmental Health Department.
8. A new building permit shall be obtained for the un-finaled/partially constructed dwelling (expired permit number 47731) on the project site. All final building inspections required for the previously permitted dwelling shall be obtained prior to recordation of the Parcel Map.
9. All Conditions of Approval must be completed and the Parcel Map shall be recorded within 24 months of the date of approval unless a request for a time extension is made prior to the expiration date pursuant to Section 10-4.401.8.2 of the Siskiyou County Code.
10. 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.

Findings

Tentative Parcel Map / Subdivision Map Act

In accordance with Government Code Section 66473.5, the Planning Commission finds:

1. The subdivision is consistent with the General Plan

The subdivision is consistent with all General Plan policies as set forth in the section titled General Plan Consistency Findings below.

In accordance with Government Code Sections 66412.3, the Planning Commission finds:

1. Local agencies shall consider the effect of the approval or denial on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

The project site is located in the Non-Prime Agricultural District (AG-2) and proposes to rezone the subject parcel to Rural Residential Agricultural District, with a five-acre minimum parcel size (R-R-B-5) in order to facilitate the subdivision of the subject parcel into two separate parcels. Therefore, the proposed project will potentially have a positive net effect on the local housing supply as both resultant subject parcels each have the potential to be developed with a single-family dwelling, accessory dwelling unit, and junior accessory dwelling unit. Proposed Parcel A has an approved on-site septic disposal area and is developed with an unpermitted office shed. Proposed Parcel B is developed with a partially constructed single-family dwelling, septic system, well, and multiple sheds. There is an area that has been approved for an additional on-site septic disposal area. Fire service by the Hammond Ranch Fire Company is approximately 0.4 miles away. CAL FIRE's station in Weed is approximately 3.3 miles away. The city of Weed's fire station is approximately 3.8 miles away. Police service is provided by the Siskiyou County Sheriff's Department and is approximately 9.0 miles from the project site. The project will not detrimentally impact available public service fiscal resources.

2. The design of the subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The project site is located on a south-facing hillside and therefore design options exist that would feasibly allow the use of future solar passive heating and cooling.

In accordance with Government Code Section 66474, the Planning Commission finds:

1. That the proposed map is consistent with applicable general and specific plans.

The map and project are consistent with the General Plan as set forth in the section titled General Plan Consistency Findings below. No specific plan exists for this area.

2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

The subdivision does not include new improvements which are inconsistent with the General Plan. No specific plan exists for this area.

3. That the site is physically suitable for the type of development.

The project is designed within the density limits of the R-R-B-5 zoning district, which allows parcels with a minimum of 5 acres. Furthermore, one of the proposed parcels has already been developed with a partially constructed single-family dwelling and accessory structures consistent with this project. Therefore, the site is physically suitable for development.

4. That the site is physically suitable for the proposed density of development.

The subject parcel is already developed with a partially constructed single-family dwelling. There are no existing physical conditions on the site that appear to prohibit this type of development.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision proposes to create two parcels. The site is already improved with a partially constructed single-family dwelling and accessory structures, a private road for ingress and egress to both proposed parcels, and approved septic sites. A biological analysis and wetlands delineation report were included as part of the package submitted by the applicant. The mitigation measures proposed as part of this project were incorporated as conditions of approval. Any development of the subject parcel is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat due to those conditions of approval.

6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems.

The subdivision will not cause serious public health problems in that any future development will be served by private water and septic, the access to the site will be required to meet the requirements of the Department of Forestry and Fire Protection (CAL FIRE), and any future development will be required to comply with the California Building Code.

7. That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

There are no existing easements acquired by the public at large for access through or use of the subject parcel.

In accordance with Government Code Section 66474.02, the Planning Commission finds:

1. That the subdivision is consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4290 and 4291 of the Public Resources Code or consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.

As a condition of approval (Conditional of Approval No. 5), the applicant is required to "comply with, and provide verification of compliance, with all applicable statutory requirements of the fire safe standards enacted pursuant to Public Resources Code 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of CAL FIRE and Siskiyou County Planning Division."

2. That structural fire protection and suppression will be available for the subdivision.

The project site is approximately 0.4 miles away from the Hammond Ranch Fire Company station, 3.3 miles away from CAL FIRE's Weed station, and 3.6 miles away from the city of Weed's fire station. Additionally, there are two 2,500-gallon water tanks within one mile of the project site, and fourteen fire hydrants within two miles of the project site.

In accordance with Siskiyou County Code Section 10-4.105.3 and Section 10-6.5501, the Planning Commission finds:

1. That the minimum lot size shall be two and one-half acres when water from an approved system is provided and on-site sewage disposal systems are required.

The proposed parcels are both designed with a resultant acreage of 6.86, which exceeds the 2.5-acre minimum parcel size.

2. That the depth of any lot shall not exceed three (3) times the width on lots of 300 feet or less in width nor exceed four (4) times the width on lots exceeding 300 feet in width.

All proposed parcel sizes are within the required depth to width ratio.

3. That the lot side lines shall be at approximately right angles or radial to street or road lines.

All proposed lot side lines are at approximately right angles or radial to street or road lines.

4. That no lot shall have double frontage unless otherwise approved by the Planning Commission.

No lot shall have double frontage as a result of this project.

5. That no lot shall be divided by city, County, school district, or other taxing agency lines.

The nearest tax line is not within the project boundaries. Therefore, the proposed parcels will not be divided by a taxing agency line.

Zoning Consistency Findings

1. The proposed Zone Change is consistent with the applicable elements and policies of the Siskiyou County General Plan, as documented herein.
2. The proposed Zone Change application is consistent with Siskiyou County Code, Title 10, Chapter 6, Article 28.
3. The proposed Zone Change from Non-Prime Agricultural (AG-2) to Rural Residential Agricultural, five-acre minimum parcel size (R-R-B-5) is consistent with existing and permitted land uses surrounding the project site.
4. The proposed Zone Change is compatible with the surrounding zoning of Rural Residential Agricultural, five-acre minimum parcel size (R-R-B-5), Non-Prime Agricultural (AG-2), and Prime Agricultural (AG-1).
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.

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 proposed rural residential agricultural use of the property is clearly compatible with the surrounding area as adjacent properties to the east are already zoned and developed for rural residential agricultural uses.

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 proposed rural residential agricultural will not be disruptive or destroy the intent of protecting each mapped resource, as described herein.

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.

Proposed Parcel A has an approved septic location. Proposed Parcel B is an already developed site that has an existing septic and well. Any new development will have to meet State and County requirements for erosion, runoff, access, fire hazard, or any other resource or 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 contaminate ground water.

Proposed Parcel A has an approved septic location. Proposed Parcel B is an already partially developed site that has an existing septic system. Any new development will have to meet State and County requirements for erosion, runoff, access, fire hazard, or any other resource or environmentally related problems.

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

Prior to any future development of proposed Parcel A, Environmental Health will review any proposed connection to an existing well or any new well for evidence of water quality and quantity for acceptability. This requirement is included as Condition of Approval No. 4 to this project. Water to proposed Parcel B is provided by connection to a private well.

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 acceptable central sewer system serving 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 land uses permitted that will meet minimum water quality and quantity requirements, and the requirements of the county's flood plain management ordinance.

Proposed Parcel A has an approved septic location. Proposed Parcel B is an already partially developed site that has an existing septic system. Any new development will have to meet State and County requirements for erosion, runoff, access, fire hazard, or any other resource or environmentally related problems.

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 subject parcel has access to North Old Stage Road (3L002), a public road that is adequate for the immediate and cumulative traffic impacts of the project. Additionally, the existing driveway will be required to be improved to meet Public Resources Code and California Code of Regulations requirements for ingress and egress to both parcels as Condition of Approval No. 5 prior to recordation.

Policy 41.18 Conformance with all policies in the Land Use Element shall be provided, documented, and demonstrated before the County may make a decision on any proposed development.

Staff has reviewed all Land Use Element policies and has determined that the project is consistent with the Siskiyou County General Plan as documented herein.

Map 2: 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).

Any future development is required to meet Building Code requirements for erosion and runoff.

Map 3: Building Foundation Limitations

Policy 8 – Enforce building construction standards (uniform building code) and public works requirements.

Any future development will be required to meet building code standards and public works requirements.

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.

The Hammond Ranch Fire Company station is approximately 0.4 miles from the project site, the CAL FIRE Weed station is approximately 3.3 miles from the project site, and the city of Weed fire station is approximately 3.8 miles from the project site. Two 2,500-gallon water tanks are within one mile of the project site. Additionally, as a condition of approval (Condition of Approval No. 5), the project and any 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 and Siskiyou County Planning.

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.

Both proposed parcels are sloped and an average of 5%. The proposed parcel sizes exceed the one acre required for slopes between 0-15% and the five acres required for slopes between 16-29%.

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.

Single-family residential uses 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 existing parcel is small and proposed rural residential agricultural use of the property will not destroy timber productivity due to the change in density.

Map 12: Prime Agricultural Soils

Policy 34. – All Class I, II and III soils, and the soils that become Class III under irrigation, with the exception of Class III soils determined to be non-irrigable, are defined as prime agricultural land.

Policy 36. – In commercial agricultural areas mapped as prime agricultural land but proven not to be prime agricultural land or land clearly committed to urbanization, but not within a city or service district sphere of influence, the minimum parcel size shall be 10-20 acres, depending on distance from major agricultural areas.

The permitted density will not create erosion or sedimentation problems.

A minimum parcel size of 20 acres is required in areas that are adjacent to or in close proximity to major commercial agricultural operations.

The intent of this policy is to allow a higher density on land that is not capable of being productive for agriculture, and at the same time retaining a residential density in the major agricultural areas of the county that is compatible with agricultural interests.

The subject parcel is within the Sphere of Influence to the city of Weed and is less than ¾ miles from the city limits. The subject parcel is classified by the National Resources Conservation Service (NRCS) as containing Class III soils that are only considered prime agricultural soil if they are irrigated. The Siskiyou County Agricultural Commissioner reviewed the property and determined that the existing well was not sufficient for irrigation. Therefore, the soils on the property cannot be considered prime agricultural soils.

California Environmental Quality Act (CEQA) Findings

1. Pursuant to CEQA Guidelines, Section 15061(b)(3), because there is not substantial evidence, in light of the whole record before the County, that the project would have a significant effect on the environment, this zone change and tentative parcel map project is exempt pursuant to the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines.
2. Pursuant to CEQA Guidelines, Section 15301, Class 1 projects consist 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. Because Proposed Parcel B of the subject property is already developed, this project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301.
3. 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.
4. 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.