

Resolution PC 2025-004

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 Bennett Zone Change (Z-24-03)

Whereas, an application has been received from Dan Larivee, RPF and representative for Orin Bennett, property owner, to rezone approximately 640 acres from Non-Prime Agricultural (AG-2-B-40) and Rural Residential Agricultural (R-R-B-40) to Timberland Production (TPZ); and

Whereas, the rezone covers the entirety of Assessor Parcel Numbers 014-500-040 and 014-200-050, which is an approximately 640-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 notations being recommended by staff; 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 10-2805 *et seq.*; and

Whereas, the Planning Division presented its oral and written staff report on the Bennett Zone Change Z-24-03 at a regular meeting of the Planning Commission on March 19, 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-2 and approve Zone Change Z-24-03; and

Whereas, on March 19, 2025, the chair of the Planning Commission opened the duly noticed public hearing on the Bennett Zone Change Z-24-03 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-2 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-2, recommends that the Board of Supervisors determine that the project is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15264 and approve the Bennett Zone Change Z-24-03.

It is Hereby Certified that the foregoing Resolution PC 2025-004 was duly Adopted on a motion by Commissioner Melo and seconded by Commissioner Veale 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, Veale and Fowle

Noes: Commissioner Lindler

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 2025-004
Notations

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.
3. The project shall substantially conform to the project description reviewed by the Planning Commission on March 19, 2025, 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.
4. 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.

Exhibit A-2 to Resolution PC 2025-004
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 Non-Prime Agricultural, (AG-2-B-40) and 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(c)(3)(A), Public Resources Code Section 4561 and the California Forest Practice Rules 2024.

Exhibit A-2 to Resolution PC 2025-004
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. The use of the land for timber production is clearly compatible with the surrounding area as surrounding parcels are dedicated to forestry or timber production and livestock grazing.

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 Mill Creek 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.

California Forest Practice Rules require any proposed Timber Harvest Plans to identify and designate historical and archaeological sites and provide protections accordingly.

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.

California Forest Practice Rules require any proposed Timber Harvest Plans to identify all rare and endangered species and provide protections accordingly.

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

Exhibit A-2 to Resolution PC 2025-004
Recommended Findings

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.

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.

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.

California Environmental Quality Act (CEQA) Findings

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