

**MODOC COUNTY PLANNING COMMISSION  
RESOLUTION 2020-01**

**A RESOLUTION OF THE MODOC COUNTY PLANNING COMMISSION RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF PARCEL MAP 2019-01 TO DIVIDE A ONE HUNDRED AND TWENTY (120) ACRE PARCEL INTO A RESULTING HOMESITE PARCEL OF 1.2 +/- ACRES AND AN AGRICULTURE REMAINDER PARCEL OF APPROX ONE HUNDRED AND EIGHTEEN ACRES (118) +/- ACRES, IN ACCORDANCE WITH TITLE 17, SECTION 17.16 OF THE MODOC COUNTY CODE AND GOVERNMENT CODE SECTION 66412(D), AND**

**RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF A REZONE FROM UNCLASSIFIED (U) TO AGRICULTURAL EXCLUSIVE (AE) AND THE APPLICATION OF THE "M" OVERLAY ZONE ON THE PROJECT AREA IN ACCORDANCE WITH CHAPTER 18.18 OF THE MODOC COUNTY ZONING ORDINANCE ON ASSESSOR'S PARCEL NUMBER 005-060-013-000, AS FILED BY CHARLOTTE BARKS.**

WHEREAS, the project is located at 1067 County Road 105, which is approximately 7.2 miles northwest of the town of Newell; Section 29, T 48N, R 5E, M.D.B.& M on Assessor's Parcel Number 005-060-013-000; and

WHEREAS, the project site is currently designated as Exclusive Agriculture (EA) by the General Plan Land Use Maps; and

WHEREAS, the existing parcel exceeds 75 acres in size and contains a confined building site with an established residential dwelling unit which qualifies the property for a one-time division of a dwelling from an agriculture operation in accordance with section 18.18.070 (A) of the Title 18 Modoc County Zoning Ordinance; and

WHEREAS, the allowance of a one-time land division is contingent on the application of the Minimum Lot Size (M) Overlay for the entire project area to prohibit the future division of the resulting parcels; and

WHEREAS, the requested Parcel Map meets the criteria established by Chapter 17.16 of the Modoc County Subdivision Ordinance and the requirements of Government Code Sections 66444 to 66450; and

WHEREAS, the recommended change in zoning for the project area is in accordance with Chapter 18.18 of the Modoc County Code; and

WHEREAS, the Modoc County Planning Commission held a public meeting on May 27, 2020 to determine the merits of the request and its effect on the General Plan, Zoning Regulations, and the health, safety, peace, morals, comfort, and general welfare of persons within the County; and

NOW, THEREFORE, BE IT RESOLVED, that the Modoc County Planning Commission recommend the following findings to the Board of Supervisors:

1. The project qualifies for the “common sense” exemption under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and meets the criteria set forth in California Code Regulations Title 14 Section 15061 (b)(3).
2. The project, together with the provisions for its design and improvements, is consistent with the objectives, policies, uses, and programs of the Modoc County General Plan, Title 17 Subdivision Ordinance and the Title 18 Zoning Ordinance.

AND;

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission recommends approval of Parcel Map/Rezone 2019-01 subject to the following conditions:

1. All development activities and operations must meet all applicable federal, state, and county requirements;
2. If any potential prehistoric and/or cultural resources are encountered during ground disturbing activities, all work should cease and a qualified archaeologist should be contacted to determine the nature of the find, evaluate its significance, and, if necessary suggest preservation and/or mitigation measures;
3. Approval of this Parcel Map is contingent upon approval of a Rezone to Agricultural Exclusive (AE) with a Minimum Lot (M) Overlay Zone in accordance with Section 18.18.070 (A).

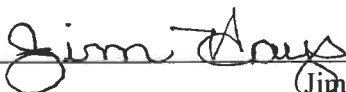
THEREFORE, BE IT FURTHER RESOLVED, on the motion of Commissioner Cox and seconded by Commissioner Fanning, the above and foregoing Resolution No. 2020-01 recommending approval of the Parcel Map and Rezone was passed and adopted by the Modoc County Planning Commission on the twenty-seventh day of May 2020, by the following vote, to wit:

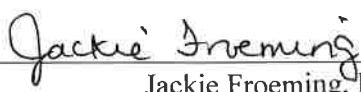
AYES: Commissioners Hays, Laacke, Fanning, Cox, and O’Sullivan

NOES: None

ABSENT: None

ABSTAIN: None

  
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Jim Hays, Chairman  
Modoc County Planning Commission

  
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Jackie Froeming, Executive Secretary  
Modoc County Planning Commission