

SISKIYOU COUNTY PLANNING COMMISSION  
SPECIAL MEETING  
SEPTEMBER 14, 2016

The Siskiyou County Planning Commission meeting was called to order by Chair Melo at 9:00 a.m. in the Yreka City Council Chambers, Siskiyou County Courthouse, 701 Fourth Street, Yreka, California.

**PRESENT:** Commissioners Blair Hart, Mike McMahon, Dusty Veale, and Tony Melo

**ABSENT:** Commissioner Jeff Fowle

**ALSO PRESENT:** William Navarre, Interim Director of Community Development; Randy Chaffin, Interim Deputy Director of Planning; Brett Walker, Senior Planner; Vurl Trytten, Executive Secretary; and James Underwood, Interim County Counsel

**MINUTES:**

**MOTION:** It was moved by Commissioner McMahon, seconded by Commissioner Veale, to approve the minutes of August 10, 2016, as presented.

**VOTED** upon and the Chair declared the motion carried unanimously with Commissioner Hart abstaining and Commissioner Fowle absent.

**PRESENTATIONS FROM THE PUBLIC:** None

**CONFLICT OF INTEREST DECLARATIONS:** None

**PUBLIC HEARING PROTOCOL:** Chair Melo reviewed the protocol for conducting the Planning Commission meetings.

**RIGHTS OF APPEAL STATEMENT:** Chair Melo advised that projects heard at this Planning Commission meeting may be subject to appeal within ten calendar days. He directed interested individuals to contact the County Clerk's Office for information. He advised that if you challenge the environmental review or the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Department at, or prior to the public hearing. Chair Melo apprized the Commissioners and audience that appeals must be submitted to the County Clerk's Office together with the appeal fee of \$1250.

**PUBLIC HEARINGS:**

**BUTTE CREEK MINERALS, LTD. VESTING MINING RIGHTS DETERMINATION  
APPLICATION (CLIFTON H. MCMILLAN, III CFO)**

**\*\*CONTINUED FROM THE AUGUST 10, 2016  
PLANNING COMMISSION SPECIAL MEETING\*\***

Closed hearing continued to permit Mr. Chalfant, Attorney for the Planning Commission, to prepare and present to the Commission the draft resolution and findings in support of the Planning Commission's decision on August 10, 2016.

**VESTING MINING RIGHTS****DENIED****Discussion by Commission:**

Commissioner Veale asked why Mr. Chalfant said conceptually. Mr. Underwood responded that one explanation could be that the Commission's decision was a preliminary decision hence the term conceptually.

Commissioner McMahon said that he had a question regarding the fees that Mr. McMillan paid annually for inspections. He said that he did not think fees should be collected, as he felt that collection of the annual mining fees was acknowledging that the mine exists. Mr. Navarre responded that inspection fee is a misnomer, because the fee supports the county's mining program and is not just an inspection fee. He added that the county had been lax on inspection in the past, but that is no longer the case because the county is current on mine inspections. Commissioner McMahon responded that even if the fee is to support the mining program, collecting the fee is acknowledging that the mine exists. Mr. Navarre responded that the mine does exist and now has a use permit and the mine's status under SMARA is that of an idle mine. He added that it is still considered a mine operation when it is in idle status.

Chair Melo confirmed with Mr. Navarre that the county updated its mining program and brought it into full compliance with SMARA in 2008 when the program was updated in order to keep it under county control rather than state control.

**MOTION:** Following discussion, it was moved by Commissioner Veale, seconded by Commissioner McMahon to adopt the resolution (from Mr. Chalfant) denying the Vesting Mining Rights application for Butte Creek Minerals Ltd., Mr. Clifton McMillan, CFO.

**VOTED** upon and the Chair declared the motion carried unanimously with Commissioner Hart abstaining and Commissioner Fowle absent.

**HANSEN VARIANCE (V-16-02)**

The project is a variance request to allow for the placement of a sewage disposal system to be located approximately 25 feet from the physical centerline of Squaw Valley Road and approximately 10 feet from the property line. The parcel is zoned Rural Residential Agricultural, 2.5-acre minimum parcel size (R-R-B-2.5). The project site is located on the west side of Squaw Valley Road on APN 028-460-090 approximately 0.75 miles south of Spring Meadows Road, south of the community of McCloud; Township 39N, Range 3W, Section 25, MDB&M.

**CATEGORICAL EXEMPTION  
USE PERMIT****APPROVED  
APPROVED**

**STAFF REPORT:**

The previously circulated Staff Report was reviewed by the Commission and a presentation of the project was provided by Senior Planner Walker.

Mr. Walker described the project, the location of the project, the zoning of the project and the location of the septic system. He said that the county code requires approval of the variance in order to place the septic system within the required 50 foot setback from the centerline of Squaw Valley Road.

Mr. Walker described the property improvements, referenced the site plan and that the property is at its widest 190 feet and as narrow as 125 feet wide. He explained that the septic system must be 100 feet above the Squaw Valley Creek flood line; and, for that reason, the only location for the septic system is within the front yard setback. He added that the proposed use was typical of other lots in the same zoning district.

He said that staff was recommending a categorical exemption from CEQA under CEQA guidelines sections 15303 for new construction of small structures and 15305 minor alterations in land use limitations. He said that the proposed exemptions and findings were in Exhibit A of the staff report. He added that there were no comments received from any county department. He said that other comments had been addressed in the staff report. He said that staff recommends approval of the project by adopting the recommended resolution using the suggested motion in the staff report.

**AGENCY INPUT:** None

Chair Melo opened the Public Hearing.

**PUBLIC INPUT:**

The Hansen's representative, Nicholas Riddle of Mt. Shasta, spoke on behalf of the Hansens; and said that they appreciated the time spent on the variance, but added that they would not be able to construct the septic or the project without approval of the variance. He added that, without the variance, it would be a hardship on the property owners. He said that he was present to answer any questions the Commission might have

There being no further input, the Chair closed the Public Hearing.

**Discussion by Commission:**

Commissioner McMahon clarified that the minimum lot size is generally 2.5 acres in this zoning district, and that this lot is only 1.5 acres; and asked if that is why the septic system has to be 25 feet from Squaw Valley Road. Mr. Walker explained that County Code requires all structures be located a minimum of 50-feet from the right of way centerline Squaw Valley Road. He referred to the drawing from Mr. Riddle in the staff report that show the proposed setback to the physical centerline of Squaw Valley Road and the setback to the property line. He further explained that the paved area of Squaw Valley Road shifts throughout the right of way.

Commissioner Hart confirmed with Mr. Walker that part of the road encroaches on Hansen land. Mr. Walker said that acknowledged in the staff report that the applicant is requesting the states

setback from the physical centerline of Squaw Valley Road instead of the right of way centerline because the paved roadway is not situated in the center of the right of way. He said that this was an attempt to acknowledge the placement of the road. Mr. Underwood said that even if the paved road is outside of right-of-way, there is a prescriptive easement that may not be recorded and a right of use of the paved area. Commissioner Hart commented that the property owner meets the proper setback given the situation. Mr. Walker explained that even if the paved area was centered in the right-of-way, the Hansens would still have needed a variance. Commissioner Hart commented that the Commission often has projects where Public Works now wants a dedication of 30 feet from the centerline of the road. He acknowledged the proscriptive easement, but objects that the property owner still pays tax on the property he owns underlying the road.

**MOTION:** Following discussion, it was moved by Commissioner Hart, seconded by Commissioner Veale to adopt Resolution PC-2016-010, A Resolution of the Planning Commission of the County of Siskiyou, State of California, approving the Hansen variance on APN 028-460-090, located on Squaw Valley Road, south of the community of McCloud; Township 39N, Range 3W, Section 25, MDB&M (V-16-02).

**VOTED** upon and the Chair declared the motion carried with three Commissioner in favor, one Commissioner opposed and Commissioner Fowle absent.

#### **DAWS TENTATIVE PARCEL MAP (TPM-16-01)**

The project is a proposed tentative parcel map to subdivide a 72.22-acre parcel into four parcels, ranging in size from 10.01 to 11.11 acres, plus a 30.80-acre designated remainder parcel. The 72.22-acre project site is located on the southerly side of State Hwy 3 approximately 2.5 miles east of the Town of Fort Jones, Siskiyou County, California on APNs 014-290-070, -320, -330, and -340; Portion of Section 33, T44N, R8W, Mount Diablo Base & Meridian (Latitude 41°37'18.50"N, Longitude 122°46'32.75"W).

#### **MITIGATED NEGATIVE DECLARATION TENTATIVE PARCEL MAP**

**APPROVED  
APPROVED**

#### **STAFF REPORT:**

The previously circulated Staff Report was reviewed by the Commission and additional proposed revisions to mitigation measure MM12.2 was handed out to the Commission before the meeting. A presentation of the project was provided by Senior Planner Walker.

Mr. Walker described the project, the location of the project and the proposed division of the land. He informed the Commission that the proposed lots would all be served by individual well and septic. He described the current zoning of Rural Residential Agricultural, 10 acre minimum parcel size (RRB10) and Prime Agricultural, 80 acre minimum parcel size (AG1B80) and that most of the project site is zoned RRB10 except for two small pieces, one 1.1 acres in area and the other 5.6 acres in size, that are zoned AG1B80. He informed the Commission that the 5.6 acre piece of AG1B80 zoning lies within the proposed Remainder parcel, and the 1.1 acres lies within proposed Lot A of the project. Mr. Walker explained that the project site lies within the Scott Valley Area Plan and compliance with both the Scott Valley Area Plan and the County's General Plan were evaluated. He further explained that the prime agricultural mapped land

resource policies were also analyzed, and staff believes that a finding can be made of compliance because the mapped areas of AG1B80 will not be reduced in size. He added that acreage in both proposed Lot A and in the Remainder parcel meet the 10 acre minimum parcel size of the RRB10 zoning district and include acreage equal to the area zoned AG1B80. He noted that the Tentative Parcel Map was included on page 3 of the staff report which shows the proposed lot configuration and the zoning district boundary reflected by the dotted line for Parcel A and the Remainder Parcel.

Mr. Walker said that agency comments, attached in Exhibit E, were incorporated into the findings (Exhibit A), notations, conditions of approval (Exhibit B); and environmental impacts were addressed in the Initial Study and Mitigated Negative Declaration (Exhibit C) and the proposed mitigation measures (Exhibit D). He explained that Project Representative Al Morris had asked for clarification regarding the mitigation measures; so that normal agricultural operations would not be impacted by the mitigation measures, and also to comply with county's Right to Farm Ordinance. He added that staff decided that the requested changes were warranted and the changes are in bold in the handout to the Planning Commission before the meeting.

Mr. Walker further explained that mitigation measure 12.2 changes were requested because of the proximity of State Highway 3, and to ensure that future residences are not adversely impacted by Highway 3 noise. He said that the clarification allows for an individual to choose to build in the 60 decibel noise level contour area, by implementing acceptable noise reducing measures to comply with the Noise Element. He said that the suggested changes are on the sheet provided to the Planning Commission before the meeting. Mr. Walker described what has been added and stated that CEQA guidelines section 15074.1 allows the substitution of mitigation measures where the changes are equivalent or more effective; staff believes the proposed changes are equivalent or more effective and that recommended findings in Exhibit A and to the draft mitigation measures in Exhibit D that could be amended to reflect the changes.

He concluded that staff recommends that the Planning Commission approve the Daws Tentative Parcel Map with the proposed changes and subject to the findings, notations, and conditions of approval.

Chair Melo clarified that the motion would not need to be changed. Mr. Walker said that the resolution already referenced the correct CEQA Guidelines section and the resolution also recognizes the substitution in the mitigation measures.

**AGENCY INPUT:** None

Chair Melo opened the Public Hearing.

**PUBLIC INPUT:**

Caroline Luiz, Fort Jones, an adjacent to property owner, spoke in general opposition to the proposed subdivision. She said that the thought of 8 dwellings going in below her made her sick. She said that the 70 acres should be left in agriculture. She also said that there would be the impact of increased traffic on Highway 3.

There being no further input, the Chair closed the Public Hearing.

**Discussion by Commission:**

Commissioner McMahon commented that Ms. Luiz made one good point, that once you start building homes on prior agricultural lands, then the fields are no more.

Commissioner Veale commented that he wished Commissioner Fowle was present for this project, because it involves the Scott Valley Area Plan, and the goal of the Scott Valley Area Plan was to preserve agricultural land. He added that he also knows the Daws, and they are fine people. He added that the Commission had on its agenda an item regarding ground water sustainability, and this project would put more dwellings and add more wells each with another straw in the water basin.

Commissioner McMahon said that he would like to see the Scott Valley Area Plan referenced much more solidly.

Commissioner Veale suggested continuing the project until Commissioner Fowle could be present.

Commissioner Hart commented that the Commission needed more information on the impact of the project on ground water. He added that he was an Ag owner as well, and there was more legislation coming down the line, signed by the governor. He said that he would second a motion to continue this matter.

Applicant Bob Daws, Fort Jones, spoke through the chair and commented that the soil in the area of the project site is poor soil consisting of washed out Moffit Creek land. He said that it was hard to get any kind of viable crop on that land. He said that he is keeping best part of it. He added that potential owners of the 10 acre parcels there will not be watering the way he has to in order to keep a crop going.

Monty Messenger confirmed with Mr. Walker that the subdivision would be four parcels and a remainder parcel. He then asked for clarification of the potential build out of 8 dwellings on the four parcels and remainder. Mr. Walker explained that the environmental review must take into account the potential of a second dwelling unit on each of the 4 parcels.

Mr. Walker responded regarding the referenced traffic issue was related to General Plan Noise Element anticipated noise generation from traffic on Hwy 3 in the year 1995. He explained that what he did was look at current Caltrans traffic census data, and that current traffic levels are consistent with the anticipated traffic levels identified in the noise element.

**MOTION:** Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Hart to continue the matter of the Daws Tentative Parcel Map (TPM-16-01) to the October 19, 2016 Planning Commission meeting.

**VOTED** upon and the Chair declared the motion carried unanimously with Commissioner Fowle absent.

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Chair Melo called for a 5 minute break at 9:55 and called the meeting back to order at 10:00 a.m. Mr. Underwood had to leave at this time due to another time commitment.

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The Commission elected to go through the "Miscellaneous" section of the agenda because Ms. Nielsen, the county's Natural Resource Specialist, had not yet arrived.

**MISCELLANEOUS:**

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Wednesday, October 19, 2016.
2. **CORRESPONDENCE:** None
3. **STAFF AND COMMISSION COMMENTS**

Commissioner McMahon informed staff and his fellow Commissioner that he would not be attending the October Planning Commission meeting.

Commissioner Hart asked about the notice they had received regarding the Kidder Creek Orchard Camp project. Mr. Walker responded that the project was currently in the 30 day public review period and he was in the process of receiving public comments and agency comments. He said that the project was not yet scheduled for hearing before the Planning Commission. He said that at this point staff is waiting to schedule a public hearing until after the end of the comment period.

In response to a question from Commissioner Hart regarding the circulation to the State Clearinghouse, Mr. Chafin explained that the State Clearinghouse only circulates to state agencies. Mr. Walker added that the project had been circulated to other agencies such as the Santa Rosa Regional Water Quality Control Board and the Army Corp of Engineers. Commissioner Hart suggested that the project should be circulated to the State Water Board.

In response to a question from Commissioner Veale, Mr. Walker said that he was not aware of a new submittal from JH Ranch, but was aware that Cal Fire recently sent a new comment letter.

Commissioner McMahon cautioned that staff needed to be careful with a project similar to the JH Ranch project. Chair Melo commented that there was always the potential of problems, but they had to take each project as it comes.

There was a brief discussion regarding the presentation to the Commission by the Natural Resource Policy Specialist. After Mr. Navarre confirmed that Ms. Nielsen was on her way, the Commission elected to wait for her.

Commissioner McMahon asked about the relative application cost for a Zone Change or a Tentative Parcel. Mr. Walker gave him the average cost of a Zone Change or a Tentative Parcel Map, and explained that the fees for a Zone Change were higher than for a Tentative Parcel Map project.

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**ITEM FOR DISCUSSION/DIRECTION:****SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA)**

Elizabeth Nielsen, Natural Resource Policy Specialist, provided a status update on the County's implementation efforts.

Ms. Nielsen informed the Commission that she is meeting with people from the various designated groundwater basins in the county, and she is in contact with Scott Valley groundwater basin people. She said that she will be going to a conference regarding SGMA and expects that she will be getting information beyond what is in print.

She said that under SGMA each groundwater basin is required to form a Groundwater Sustainability Agency (GSA). She said that one of the issues that has come up is that the Butte Valley District boundaries do not fully cover the full basin, and an MOU will be needed to cover the entire basin as some of it is in Modoc county. She said that the County will likely be a part of most of the agencies and the various irrigations districts may be a part of the agencies. For the Butte Valley District, the county will be part of the agency.

She said that the deadline for establishing the Ground Water Sustainability Agencies is June 30 2017; and at end of September she will provide a presentation to the Board of Supervisors. After that she will have to pull together the proposed agencies which then have to be established through a hearing process.

She added that luckily Scott Valley has a groundwater plan; and they hope to build on that plan, because it is a well documented and formatted plan.

She said that the county has the ability to become and oversee the GSAs, and they do not have to then go through CEQA.

Chair Melo asked if special districts and incorporated cities will be brought into the system. Ms. Nielsen responded that the definitions will be specific to ground waters. She added that surface water for municipal water may not be part of this.

She said that the County had funds in reserve for this process and there are grants out there that may be available; but in order to receive the grants, the GSA would have to say the basin's groundwater was overdrawn.

She explained that the GSAs must be in place to avoid state fees and the deadline is July 1, 2017. In some instances there would be an MOU to reach those outside the boundaries of irrigations districts.

Commissioner Hart commented regarding the Butte Valley RCD and Irrigation district, City of Weed and City of Montague. He asked if there would be provision for private owners outside these districts, such as ranchers. Ms. Nielsen said she would find out about private individuals and the issue of how the Karuk Tribe would enter into the GSA.

Commissioner Hart informed Ms. Nielsen that he had provided a great deal of information to Greg Plucker and said that he would provide the information to Ms. Nielsen if she does not have



it. Ms. Nielsen responded that she had received a lot of information from Greg, and would likely be reaching out to Commissioner Hart.

Ms. Nielsen said that there would likely be basin boundary modifications, because the boundaries outline areas without much groundwater in the areas identified. She said that there is a push to modify basin boundaries, but the push is coming from outside the county, not from Measure H. Ms. Nielsen said that the language in Measure H is unclear. She said that Mt. Shasta Bioregional is a proponent of Measure H. She added that the County has written the opposition to this measure.

Ms. Nielsen said that the June 30, 2017 deadline is approaching, and one of her goals is to have the hearings submitted by early spring.

The meeting was adjourned at 10:55 a.m.

Respectfully submitted,



William Navarre  
Interim Secretary

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