

SISKIYOU COUNTY PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 16, 2016

The Siskiyou County Planning Commission meeting was called to order by Chair Melo at 9:00 a.m. in the Board of Supervisors' Chambers, Siskiyou County Courthouse, 311 Fourth Street, Yreka, California.

PRESENT: Commissioners Jeff Fowle, Blair Hart, Mike McMahon, and Tony Melo

ABSENT: Commissioner Dusty Veale

ALSO PRESENT: William Navarre, Interim Director; Randy Chafin, Interim Deputy Director of Planning; Brett Walker, Senior Planner; Vurl Trytten, Executive Secretary; Natalie Reed, Deputy County Counsel

MINUTES:

MOTION: It was moved by Commissioner McMahon, seconded by Commissioner Hart, to approve the minutes of September 14, 2016, as presented.

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

The October 19, 2016 Planning Commission Informational Minutes (No Quorum) were presented to the Commission by the Clerk.

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:

Z-1602 ARTICLE 15 USE CLARIFICATIONS

****CONTINUED FROM THE OCTOBER 19, 2016 PLANNING COMMISSION MEETING****

The project is a proposed zoning text amendment to Article 15, General Provisions, Conditions, and Exceptions, and Article 36, Definitions, of Title 10, Planning and Zoning, Chapter 6, Zoning,

of the Siskiyou County Code (SCC). More specifically, the project would amend SCC Section 10-6.1502 to more clearly define certain conditionally permitted uses of property, as well as revise, add, or eliminate definitions in Article 36 consistent with revisions to Section 10-6.1502, other County regulations, and/or established practices.

**CATEGORICAL EXEMPTION
ZONING TEXT AMENDMENT**

**CONTINUED
CONTINUED**

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 reviewed with the Commission that this project had been continued from the May 18, 2016 Planning Commission. He informed the Commission that due to staffing constraints, there had not been time to work on the Zoning Text Amendment. He asked the Commission to continue this item indefinitely.

Commission Questions: None

AGENCY INPUT: None

Chair Melo re-opened the Public Hearing.

PUBLIC INPUT: None

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

Discussion by Commission: None

MOTION: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner McMahon to continue this matter indefinitely.

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

DAWS TENTATIVE PARCEL MAP (TPM-16-01)

****CONTINUED FROM THE OCTOBER 19, 2016 PLANNING COMMISSION MEETING****

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). (Continuation of a closed hearing.)

**MITIGATED NEGATIVE DECLARATION
TENTATIVE PARCEL MAP**

**CONTINUED
CONTINUED**

STAFF REPORT:

The previously circulated Staff Report was reviewed by the Commission and a presentation of the project was provided by Senior Planner Walker at the September 14, 2016 Planning Commission Special Meeting. At the October 19, 2016 Planning Commission this item was continued by Order of Adjournment (No Quorum) to the November 16, 2016 Planning Commission Meeting.

Mr. Walker stated that the staff presentation for this project had been given to the Commission at the September 14, 2016 Planning Commission Meeting. He said that the hearing was opened, closed, and after discussion; the Commission had continued the matter to the October 19, 2016 Planning Commission Meeting and then the matter had been continued again to the November 16, 2016 Planning Commission Meeting.

Mr. Walker stated that the Planning Commission had questions regarding groundwater impacts, and that there were comments by the Commissioners present that it would be beneficial for Commissioner Fowle to be present for this project. He also reviewed the Daws project, the project site and that the project zoning includes a small portion of prime agricultural (AG-1) zoning and the limitations of the Scott Valley Area Plan regarding that zoning.

Mr. Walker informed the Commission that subsequent to the meeting, Mr. Daws had submitted estimates of current groundwater use at the project site. The applicant estimated that he uses 2.17 acre-feet of groundwater per acre, equal to 141 acre-feet for the 65 acres in alfalfa production. Bill Navarre, Deputy Director of Environmental Health, has provided use for a residential subdivision in the Mount Shasta area. That subdivision uses approximately 750 gallons per dwelling, averaged over an entire year. Utilizing information from the Mount Shasta subdivision, full build-out of the project site, based on primary and second dwellings on the four parcels plus the remainder, would be equal to 8.4 acre-feet of water. It is difficult to estimate future residential water use to current and future agricultural water use due to the unknown extent and type of landscaping associated with the future residential uses. However, staff does not believe that future residential uses would exceed current water use rates at the project site. Mr. Walker stated that the information was not specific to Scott Valley but gives a reference comparison for potential residential water usage at the site. The potential water used in this comparison for the proposed lots and the remainder would be 8.4 acre feet of water. He added that it is difficult to estimate future water usage of the proposed subdivision. He said that staff estimates that residential usage would likely not exceed the current water usage for the alfalfa crop.

Mr. Walker said that the project is consistent with the Siskiyou County General Plan and compliant with the County Code. He said that a portion of the project site was in AG-1, 80 acre minimum parcel size zoning designation and is subject to the mapped resource policy of the Scott Valley Area Plan (SVAP) for prime agricultural land. He explained that staff believes that a finding could be made for complying with the SVAP because the land zoned prime agricultural land would not be reduced in size by the proposed lot configurations of the tentative parcel map. He added that the proposed lots were designed to accommodate the minimum parcel size and zoning.

He said that the draft findings were in Exhibit A to the staff report for the Planning Commission to review. He said that the project was circulated to and reviewed by local agencies, and their

comments, where applicable, were incorporated into the notations and conditions of approval in Exhibit B-1 to the staff report and to the draft resolution. He said that the comments received were included in the September 14, 2016 staff report packet. He added that the Mitigation Measures and the Mitigation Monitoring Program reduce potential impacts to less than significant. He concluded that staff recommend the Planning Commission approve the project and the mitigation measures by adopting Resolution PC 2016-012 subject to the findings, and conditions of approval attached as Exhibits A and B-1 to the resolution.

He advised the Commission that a suggested motion was provided for their use in the November 16, 2016 staff report.

Commission Questions: None

AGENCY INPUT: None

Chair Melo re-opened the public hearing.

PUBLIC INPUT: There was public input at the September 14, 2016 Special Meeting of the Planning Commission.

Chair Melo closed the re-opened public hearing.

Discussion by Commission:

Commissioner Fowle stated, for the record, that he had reviewed the minutes of the September 14, 2016 Planning Commission meeting and had listened to the audio of the meeting twice.

Commissioner Fowle stated that the location of the project presents challenges, and because he is from the fifth Supervisorial District he knows the Scott Valley Area Plan (SVAP). He said that this is the fifth project he remembers that is similar to this project with mixed zoning and portions of land zoned prime agricultural (AG-1). He said that he had looked at projects from years ago and had looked at what the Planning Commission did when there was AG-1 and non-prime agricultural (AG-2) zoning. He stated that the first development goal of the SVAP is to protect agricultural land; the second goal is to apply the most restrictive approach regarding zoning when considering a subdivision of land and creating new parcels. He said that there is a spattering of parcels in Scott Valley that are pre-existing and nonconforming, and they occur in many places and are nonconforming for different reasons.

Commissioner Fowle said that he would have to be sold on the proposed parcel as presented, but he had some potential solutions or alternatives to suggest. He said that within the project there are incongruent pieces of AG-1 zoning, and he is not satisfied that they will be protected. He said that one similar project that was approved, a boundary line adjustment was accomplished to protect the AG-1 land and to get the project to comply with the SVAP. Commissioner Fowle acknowledged that this was not possible with the Daws project because one piece of AG-1 land is on the east and the other is on west side of the project area.

Commissioner Fowle said that two of the projects from the past had the soil tested and concluded that the soil was not prime and went down to nonprime agricultural (AG-2), then the

parcels could be 40 acre minimum parcel size; which he thought might be possible for the current project.

Commissioner Fowle said that density averaging was not possible because of the SVAP. He said that the intent the SVAP is addressed on page 35 of the SVAP. He added that the SVAP supersedes the General Plan because it is more restrictive. He said that the intent of the SVAP is to create 40 acre minimum parcels and density no more than one dwelling per parcel. Brett confirmed that the SVAP would take precedence over the General Plan where it is more restrictive.

Commissioner Fowle said that in nonresource areas the minimum parcel size is 40 acres with 1 dwelling per 21 acres and a major parcel would have to be 40 acres. He said that the restriction should be to have one dwelling and not a second dwelling.

Mr. Walker said that there could be a condition that the project not allow second dwellings on these parcels. Commissioner Fowle said that the nonconforming parcels should be cleaned up as much as possible.

Chair Melo said that the acreage of the AG-1 piece is 6.7 acres which has some bearing on the project.

Commissioner Fowle said that because it is AG-1 it must be 80 acres. He said that he tried different measures to bring the nonconforming AG-1 zoning into conformance. Chair Melo commented that the existing amount of AG-1 land had some bearing on the project. Commissioner Fowle responded that the SVAP required due diligence to preserve agricultural land.

Commissioner Fowle asked Mr. Daws if the soil had been tested. Mr. Daws came to the microphone at the request of Chair Melo to respond to Commissioner Fowle's questions. Mr. Daws, project owner and resident of Fort Jones, responded that he had not tested the soil. He said that the only piece that is AG-1 is the western part of the pivot that he is trying to get to the point that it will grow alfalfa.

Commissioner Hart commented that the owner should get the soil tested in order to review the project. Commissioner Fowle mentioned the land to the south under the pivot. Mr. Daws responded that he does not own that land, he leases the land under the pivot.

Commissioner McMahon commented that the Weed Berean Church project did a land swap to get the parcels in that project to conform.

Commissioner Hart recommended that the project be continued to get the soil tested.

Commissioner Fowle commented that the SVAP overlays show AG-1 and AG-2, but no deer wintering for this land, therefore the only resource is the AG-1 land next to B and C.

Mr. Walker explained that Condition of Approval number 7 was added so that no residential structures associated with the structure are to be constructed on AG-1 land and no impervious surfaces in these areas. He said that this would limit non-agricultural development in those areas. He said that the land zoned AG-1 and R-R allow agricultural uses as permitted uses. He

said that when looking at the policy, staff had noted that because agricultural uses are permitted uses in both the AG-1 and the and R-R zoned land, the uses between the two are consistent and staff felt they could make a finding for compliance with Policy 1.

Commissioner Fowle stated that this would be in conflict with Policy 2 that the minimum parcel size to be created is 80 acres. Mr. Walker responded that when looking at the segregated areas of AG-1 land in the project site, these parcels were existing nonconforming pieces of AG-1 land, and the proposed project does not further segregate these pieces of AG-1 land nor make them more nonconforming pieces of AG-1 land.

Commissioner Fowle asked about the discussion in September regarding traffic studies from 1995, and commented that there were Caltrans traffic studies in 2003 and 2005. Mr. Walker explained that the discussion was regarding a mitigation measure regarding noise and residential uses. He said that staff looked at the General Plan Noise element regarding Highway 3 existing and future noise for 1995. He said that he also looked at more recent Caltrans traffic census information consistent with current levels. Commissioner Fowle said that he was wondering if they were calculated into the findings. He said that he was optimistic that the Forest Service would allow more logging, and the logging industry might come back a little bit which would bring economic stimulus to the county. He added that if they can find a way to do a tentative parcel map, there may be traffic increase due to logging trucks.

Mr. Walker explained that the noise section in the environmental document did not try to foresee state or federal law changes. He said that it cannot be based on future laws or future project conditions. Commissioner Fowle said that it needed to be taken into consideration. Deputy County Counsel Reed commented that Mr. Walker was speaking regarding the CEQA review.

Chair Melo commented that the Commission's decision can't look at the future and future laws, instead the Commission must look to see if it meets CEQA requirements at this time.

Commissioner Fowle said they should look at whether or not the soil is AG-1 or not. He said that if the soil is AG-2, he could support an option with the remainder parcel 40 acres rather than 32.2 acres and three parcels with a remainder instead of four. He said that his guess was that the soil will not be AG-1.

In response to a question from Chair Melo regarding the SVAP, Commissioner Fowle responded that AG-1 must be protected and is 80 acres, if AG-2 it is 40 acre minimum. He said that the 6 acre AG-1 is a nonconforming layout, and if AG-2 can go to density averaging.

Mr. Walker explained that the SVAP has within it non-resource density areas and Fort Jones is one of those areas and includes the project area. He added that non-resource density areas also include land designated as AG-1.

Mr. Walker confirmed for verification that Commissioner Fowle was proposing soil analysis pursuant to Policy 4 of the SVAP. Commissioner Fowle referred to SVAP testing of soils on page 12 that allows 40 acre minimum parcel size for soils proven to not be AG-1, and mentioned someone for the testing.

MOTION: Following discussion, it was moved by Commissioner Hart, seconded by Commissioner Fowle to continue the Daws project to the December 21, 2016 Planning Commission to allow soil analysis of the project site AG-1 land.

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

Chair Melo called for a break at 9:55 and called the meeting back to order at 10:00 a.m.

Discussion was held by the Commission through Chair Melo and with Deputy County Counsel Reed regarding the Planning Commission sitting as the Administrative Order Hearing Board at the agendized time of 10:00 a.m.

MOTION: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner McMahon to recess the Planning Commission in order to open the Administrative Order Hearing Board.

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

Chair Melo recessed the Planning Commission at 10:02 in order to open the Administrative Order Hearing Board (AOHB) meeting.

Chair Melo opened the Administrative Order Hearing Board at 10:03 a.m.

MOTION: Following discussion, it was moved by AOHB Member Fowle, seconded by AOHB Member McMahon to recess the Administrative Order Hearing Board until after the Planning Commission agenda was completed.

VOTED upon and the Chair declared the motion carried unanimously with AOHB Member Veale absent.

Chair Melo recessed the Administrative Order Hearing Board and re-opened the Planning Commission Meeting at 10:04.

PURCELL USE PERMIT (UP-16-04)

****CONTINUED FROM THE OCTOBER 19, 2016 PLANNING COMMISSION MEETING****

The project is a conditional use permit to utilize a single-family dwelling as a vacation rental. The parcel is zoned Single-Family Residential (Res-1). The project site is located at 2101 Eddy Circle, northwest of the City of Mt. Shasta on APN 021-630-280; Township 41N, Range 5W, Section 26 MDB&M (Latitude 41°21'50.0"N, Longitude 122°24'2.5"W).

**CATEGORICAL EXEMPTION
USE PERMIT**

**APPROVED
APPROVED**

STAFF REPORT:

The previously circulated Staff Report was reviewed by the Commission. A comment letter was received by staff the morning of the meeting and passed out by the Clerk to the Commission, and staff before the meeting. A presentation of the project was provided by Senior Planner Walker.

Mr. Walker informed the Commission that the applicant was represented by Ms. Giacomelli and described the location of the project, the project site and zoning. He reviewed the zoning code and the applicable section of the Siskiyou County Code. He said that the residence was a three level residence on 4.3 acres and referred the Commission to the image of the project site in the staff report. He added that the site plan and floor plan of the residence were on page 4 of the staff report. He described the project site and the surrounding parcels. He informed the Commission that the proposed use was consistent with the county's General Plan and General Plan findings of consistency were in Exhibit A to the staff report. He said that no nuisances were identified and County Code would allow a ten person occupancy for the proposed use, but the septic system would allow only an eight person occupancy. He added that Conditional of Approval number 6 regarding occupancy had a typographical error that should read the occupancy number (8) rather than (6).

He said that staff is recommending that the project be considered categorically exempt from CEQA under CEQA Guidelines section 15301 for existing facilities. He added that staff had received one comment letter today before the meeting and it was provided to the Planning Commission by the Clerk before the meeting. He concluded that agency comments had been incorporated into the Conditions of Approval where appropriate.

There was a pause in meeting to allow the Planning Commission to read the comment letter. Mr. Walker offered to respond to the letter.

Commission Questions: None

AGENCY INPUT: None

Chair Melo opened the Public Hearing.

PUBLIC INPUT: None

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

Discussion by Commission:

Commissioner McMahon confirmed with Mr. Navarre and Mr. Walker that Eddy Circle is a county maintained road and the county plows the road.

In response to a question from Commissioner Hart regarding the proposed vacation rental not passing the Building Inspection, Mr. Walker recommended adding a condition of approval that requires the residence to pass the Building Inspection before the use permit is issued.

Commissioner Hart confirmed with Interim Director Navarre that the pond on the property is a man-made pond. Mr. Navarre said that it is a lined pond. Mr. Walker added that he considered it a landscaping feature.

Commissioner Fowle confirmed with Mr. Walker that a local resident must be the agent of contact for the vacation rental. Mr. Walker explained that there was a condition of approval that required the owners to provide written notice to Planning of the manager's name and telephone number before issuance of the use permit and the business license.

Commissioner Fowle commented that there were no pictures of the property or the proposed vacation rental and hence no visual affirmation of what staff knows about the property. He expressed his concern regarding the fire pit in the backyard; and said that there should be a condition that states no outdoor burning, adding that it would be easiest if the fire pit disappears.

Commissioner Fowle confirmed with Mr. Walker that that the vacation rental would have to comply with California Fire Safe Regulations and further confirmed that compliance with the Fire Safe Regulations would be enforced by Cal Fire. Mr. Walker added that Planning requires Cal Fire approval before issuance of the use permit.

Commissioner Fowle commented that that he thought the typographical error in Condition of Approval number 6 that inadvertently put in a "(6)" person occupancy rather than an eight (8) person occupancy was a more appropriate occupancy for the proposed vacation rental instead of eight (8). Chair Melo commented that the Environmental Health report on the capacity of the septic system had recommended an eight (8) person occupancy and should be taken into account.

Commissioner McMahon said that in a snowy winter he has had difficulty driving his 4 wheel drive a pickup up to Eddy Circle to deliver wood. He commented that the requirement that all parking be on the property and not on street would not hold with 4 or 5 feet of snow. Chair Melo commented that even in the City of Mt Shasta there have been times when he could not get down a street due to snow. Mr. Navarre informed the Commission that there is plenty of off-street parking on the property; but agreed that because Eddy Circle is at a higher elevation than the City of Mt. Shasta, there would be more snow there than in town.

Commissioner Fowle commented that if the fire pit went the way of the pond and there was an occupancy of six (6) rather than eight (8), as well as a condition of approval that stated there would be no outside fires, he would be agreeable to the project. Ms. Reed said that the fire pit was in place when the prior owner occupied the home, and she felt the Commission should confirm it was still in place with the current owner. Through the Chair the current owner, Amy Purcell, came to the microphone and stated that she and her husband agree with the condition for no outside burning; and explained that it was not a portable fire pit, but they would remove the fire pit. She added that her husband did not like it.

Chair Melo stated that he thought the occupancy should remain eight (8). Mr. Navarre informed the Commission that capacity of the septic system could support the eight person occupancy. Commissioner Fowl reiterated that it should be six (6).

Through the Chair, Ms. Reed requested that Mr. Walker summarize the changes and added conditions of approval. Mr. Walker stated that the added Conditions of Approval the Commission had suggested were: Condition of Approval 16 that would require all failed items in the Building Division inspection report to be repaired and pass the re-inspection by the Building Division; Condition of Approval 17 that would require the applicant to remove the fire existing pit

from the property; Condition of Approval 18 that would require notice to the renters that no outside burning of any kind would be allowed on property. Mr. Walker added that the Commission had discussed changing the number of occupants allowed for the proposed vacation rental.

MOTION: Following discussion, it was moved by Commissioner McMahon, seconded by Commissioner Fowle to adopt Resolution PC-2016-011 adopting a categorical exemption from CEQA for the project and approving the Purcell Use Permit (UP-16-04) subject to the findings in Exhibit A and subject to the notations and conditions of approval listed in Exhibit B-1 with the addition of Conditions of Approval 17, and 18 and changing the occupancy allowed in Condition of Approval number 6 to six (6) from eight (8).

Discussion of the Motion:

Ms. Reed informed the Commission that they had also wanted the addition of Condition of Approval number 16.

Commissioner Hart stated that this was the first he had ever seen of CDF tree removal information from Cal Fire with guidelines and asked if the new requirements apply only to new projects. Commissioner Fowle said that the 4290 regulations changed and were effective as of January 1, 2016 for new projects. Mr. Walker said that he was guessing the Commission would see the new requirements in new staff report packets. He confirmed that the entirety of all the 4290 regulations apply to all new projects.

The moved and seconded motion with the further addition of Condition of Approval number 16 as noted by Ms. Reed was voted on.

VOTED upon and the Chair declared the motion carried with three Commissioners voting in favor of the project, one voting against the project, and with Commissioner Veale absent.

ITEMS FOR DISCUSSION/DIRECTION: None

MISCELLANEOUS:

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Wednesday, December 21, 2016.
2. **CORRESPONDENCE:** None
3. **STAFF AND COMMISSION COMMENTS**

The Planning Commission meeting was adjourned at 10:29 a.m.

Respectfully submitted,


William Navarre
Interim Secretary