

SISKIYOU COUNTY PLANNING COMMISSION  
REGULAR MEETING  
JUNE 21, 2017

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, Dusty Veale, and Tony Melo

**ABSENT:** None

**ALSO PRESENT:** Allan Calder, Director of Community Development; Randy Chafin, Interim Deputy Director of Planning; Britt Dveris, Senior Planner; Vurl Trytten, Executive Secretary; Dana Barton, Deputy County Counsel; and Jerry Lemos, Senior Environmental Health Specialist

**MINUTES:**

Chair Melo asked that the record show that he was not present for the May 17, 2017 Planning Commission Meeting.

**MOTION:** It was moved by Commissioner Veale, seconded by Commissioner Hart, to approve the minutes of May 17, 2017, as mailed.

**VOTED** upon and the Chair declared the motion carried unanimously, with Chair Melo abstaining.

**PRESENTATIONS FROM THE PUBLIC:** Nita Still commented on Medical Marijuana and the change in zoning for the county. She said that she would like to see industrial hemp grown in the county.

**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:**

**MCCLLOUD PLANNED DEVELOPMENT ZONING REVISION Z-17-01**

**\*\*CONTINUED FROM THE MAY 17, 2017 PLANNING COMMISSION MEETING\*\***

The proposed project is to rezone approximately 54 contiguous acres of private land located north of State Route 89 and immediately east and west of Haul Road in the unincorporated community of McCloud, Siskiyou County, California from Planned Development (P-D)/Single-Family Residential (RES-1) and Planned Development (P-D)/Rural Residential Agricultural (R-R) to Single-Family Residential (RES-1) and Rural Residential Agricultural (R-R). The project area includes the following parcels (APNs): 049-051-280; 049-062-120; 049-062-130; 049-062-150; 049-062-180; 049-062-190; 049-062-200; 049-062-210; 049-062-240; 049-062-470; 049-062-510; 049-062-520.

**MITIGATED NEGATIVE DECLARATION  
ZONE CHANGE****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 Britt Dveris at the May 17, 2017 Planning Commission meeting. The duly noticed public hearing was opened and closed. The project was continued with direction to staff to research the zoning history of the subject properties and surrounding parcels to conclusively determine the current zoning of the project areas.

**SUPPLEMENTAL STAFF REPORT:**

Mr. Dveris presented the supplemental staff report to the Commission and said that staff had been directed by the Commission to do further research on the history of the parcels. He said that there was sectional map evidence that the entire property was rezoned in two different zoning cases: one west of Haul Road in 1998, and one east of Haul Road in 2005. He said that the 2005 rezone sectional map was duly recorded. He added that Planning's GIS was updated in 2010 and does reflect the current zoning of the subject parcels.

Mr. Dveris reviewed that the purpose of project was to remove the PD zone west of Haul Road that was established in the 1998 and to remove the PD zone east of Haul Road that was established in 2005. He said that for the properties on the west side of Haul Road, the PD zoning, Development Plan, and Tentative Subdivision Map were approved, but the Tentative Subdivision Map was never recorded and has expired. He said that the purpose of the current rezone project is so that property owners may subdivide their land and not be subject to the Development Plan. He said that the rezone would remove Planned Development Zoning and would allow BLAs and TPMs without having to amend or revise the Development Plan. He said that the County initiated the zone change to remove PD zoning and the Development Plan and leave in place the RR (Rural Residential Agricultural) Zoning and the RES-1 (Single-Family Residential) zoning that were part of the 1998 and 2005 rezonings. He explained that the rezone would allow the same permitted and conditional uses that are allowed under current zoning. He further explained that the GIS parcel layer for properties west of Haul Road is not up to date, the Assessor's Map is up-to-date. He added that the parcel update of the GIS layer is ongoing.

Commissioner Fowle said the it was his understanding that the Boundary Line Adjustments could not happen in the Planned Development and said that the Planning Commission did not see the Boundary Line Adjustments and wondered why. Through the Chair, the Clerk to the

Commission explained that in the past, Boundary Line Adjustment did come before the Planning Commission for approval, but that they had not been before the Commission during the last 10 years, her tenure as Clerk to the Commission.

Commissioner Hart asked how the Boundary Line Adjustments that were done inappropriately could now be corrected. Mr. Dveris responded that a Certificate of Compliance may be an instrument for correcting any past procedural lapses, and that he is uncertain how legally binding the Development Plan is and what implications there would be for parcels created without adherence to it. Commissioner Fowle asked if the lack of a recorded Subdivision Map created a gray area for the Boundary Line Adjustments.

Deputy County Counsel Barton responded that she did not know if the Boundary Line Adjustments were done appropriately or inappropriately, but they are administratively allowed. Commissioner Veale commented that the parcel numbers from the PD zoning could be used to accept the lots as created by the Parcel Maps or Boundary Line Adjustments, because the parcel maps or boundary line adjustments were approved and recorded pursuant to the Subdivision Map Act. He added that they were not going into changes in meets and bounds legal descriptions by removing the PD zoning.

Mr. Dveris explained that there was a separate ordinance in 2005 for the lots east of Haul Road, and those lots were properly divided and a subdivision map was recorded; but for parcels west of Haul Road, the Development Plan was approved but the Subdivision Map did not record. He further explained that the PD zoning applies to the lots on the west side and east side of Haul Road. Commissioner Veale commented that the action will bring the area more into conformance with the code. Mr. Dveris responded that there might be an instrument available, perhaps a certificate of compliance, to further clean up the area. He said that he was not sure of the legal implications of the BLAs and subdivisions that have been approved without conforming with the Development Plan. Commissioner Veale commented that the land would go through title companies and title insurance.

Commissioner Fowle commented that based on the additional research, it had been determined that the properties east of Haul Road are in PD zoning and a parcel map was recorded. He commented that if the Commission approves or denies the rezone, the county will end up with non-conforming lots in the PD. He said that if the project is approved it would help to straighten out the properties west of Haul Road. Mr. Dveris said that that lifting the PD for the parcels east of Haul Road would not be of material consequence, since those parcels were already created in accordance with an approved and recorded subdivision map. Mr. Dveris said that the PD zoning was established to allow flexibility on developing the plan, and in 1998 the developer did not want to be subject to curb or gutter requirements. Commissioner Fowle commented that, at the time, that was the standard. Commissioner Veale confirmed with Mr. Dveris that McCloud was not asking for curb and gutter. Commissioner Hart commented that it happened because of snow removal.

Commissioner Hart said that he was not sure how to clear up the title on the property for the owners on the west side of Haul Road. Mr. Dveris explained that the GIS parcel layer was not accurate but was being updated and showed the areas on the projected image where the parcel layer was inaccurate. He said that the motivation was for the owners to better manage their property and accomplish boundary line adjustments and tentative parcel maps and not be

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subject to the Development plan. He added that this is only applicable to property west of Haul Road.

Commissioner Fowle asked Ms. Barton if the Commission approved the rezone and the parcels do not match up, would the inconsistency put the county in jeopardy or would that be borne by the property owner. Ms. Barton responded that she would have to look into it and confirm the inappropriate boundary line adjustments.

Discussion was held regarding the possible impacts of discrepancies in changed boundary lines and the Planned Development plan map and if that would trigger anything. Further discussion was held regarding building setbacks and boundary lines.

Chair Melo asked what the avenue was to correct the situation. Commissioner Hart commented that it was solely the obligation of the property owner to correct boundary lines if they want to do something in the future, and commented that he had no faith in title insurance. He said that trying to find out how to clean up the project is not within the responsibility or the purview of the Commission. Commissioner Fowle commented that he approved lifting the Planned Development zoning.

Mr. Dveris recommended that the rezone project be continued due to concerns regarding the noticing of the project. He said that staff noticed the correct parcels, but the staff report was prepared on the basis that the application was to lift the Planned Development and not have the owners subject to the Development Plan approved in 1998. He explained that the parcels included in the public hearing notice on the east side of Haul Road were created in conformance with the recorded Subdivision Map . He said that the situation has changed because the area east of Haul Road does have a recorded map and lifting the PD zoning on those properties would not be as consequential as lifting the PD zoning from properties west of Haul Road. Mr. Dveris said that the staff report and noticing should be changed to reflect the recorded subdivision map for properties east of Haul Road.

Chair Melo asked what the Planning Commission would like to do. Commissioner Fowle responded that the matter should be continued. He said that some of the questions were clarified, but now there are more questions. Chair Melo commented that he wanted to continue the matter to be sure property owners would be OK.

Commissioner Hart said that he sees two projects; one east of Haul Road that is OK and one west of Haul Road where what has happened needs to be cleaned up to be sure that the property owners are OK.

Chair Melo asked if anyone in the audience wanted to comment on the project.

After asking the audience if anyone wanted to comment on the project, Chair Melo re-opened the Public Hearing.

#### **PUBLIC INPUT:**

Mr. Lon Tatom came to the microphone and said that he appreciated the Planning Commission's concern, but said that the legalities have been done and the maps have been recorded. He said that the Rhodes tentative parcel map was tentatively set to come before the

Planning Commission. He said that he had bought property on both sides of Haul Road. He said that the west side had 7.5 acres zoned commercial. He said that it was rezoned and a parcel map was approved and recorded. He said that he owned the larger parcel west of Haul Road and he has a building permit and will start building tomorrow. He said that his personal friend Watson has a project on the west side and also has a tentative parcel map application submitted to Planning. He added that in the interim there have been boundary line adjustments and a tentative parcel map that were done through Witson Engineering and through prior staff member Brett Walker who did an outstanding job. He said that earlier staff deemed the Planned Development map to have expired. He said that the rezone of the PD would finish the project. He said that cleaning up the situation was as simple as removing the PD zoning, because the underlying parcels are clean and have been duly recorded and the maps approved.

In response to a question from Commissioner Fowle, Mr. Dveris explained that there were 11 property owners within the area proposed to be rezoned. He said that the adjacent property owners were also notified of the public hearing and of the Initial Study and Mitigated Negative Declaration. He assured the Commission that all the people in the area and adjacent to the rezone area had been notified, and staff received one neutral inquiry. Mr. Chafin further explained that though notice to the property owners was required, permission was not required for changing zoning.

Commissioner Veale asked if there was a way to vote on the project with direction to correct what is amiss with the project and recommend the project to the Board of Supervisors at this time with the correction. Mr. Dveris explained that he was concerned regarding the inaccuracies in the description of the project in the public hearing notices and the staff report. He said that further research had revealed the difference between the area on the west side of Haul Road and the area east of Haul Road, making the premise of the rezoning inaccurate .

Commissioner Veale asked what staff would do between now and the July Planning Commission meeting. Mr. Dveris responded that lifting the PD zoning east of Haul Road would not, in itself, have a material consequence, and it was really the recorded subdivision map that governed lot configuration. He added that while west of Haul Road it was road standards with which the prospective developer wanted more flexibility, he was not sure of the intent of the PD zoning east of Haul Road, but generally PD zoning is used as a way to have flexible development standards.

Commissioner Veale asked why staff recommended approval of the project, if they want to leave the PD zoning in place east of Haul Road.

Through the Chair, Mr. Tatom came forward and said that the developer of the PD zoning and subdivision in the area was from the Bay Area, and had visions that did not fit the area and he lost the land to the bank. He said that he did not understand the problem regarding removing the PD zoning. He said that he sees the project going on and coming back to the Commission with the same resolution. He said that the land divisions have been done properly. In response to a question from Mr. Calder, Mr. Tatom responded that he and his son had owned the 35 acre property and the property line adjustments and land divisions have been done correctly. He said that he was more than comfortable with what has been done, and all that is needed to clean up the property is to proceed with the rezoning.

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Commissioner Hart commented that if the project was not properly noticed, he was not comfortable proceeding with the matter until it was re-noticed.

Mr. Chafin clarified the noticing of the project. He said that the first notice sent out was a courtesy notice letter. He said that some property owners asked for clarification, but no objection to the rezone was received in response to the courtesy letter. He said that the next step was formal notice within the area of the rezone and also property owners within a 300 foot radius of the outside boundary of the project area. He explained that this notice was required by law and was done when the Initial Study and Mitigated Negative Declaration was filed with the state and was for the required 30 day public review period, and no objections were received. The third notice was for the public hearing notice; and it sent in the same way to the same people, and it was also required by law. He reiterated that three different types of notice had been given to agencies and property owners. He added that the notice required by law was given, but permission from the property owners in the area to be rezoned is not required by law. He explained that staff expected to come back with the same recommendation but with notice of a revised project description.

Commissioner Hart requested staff to make sure there is nothing left to clean up.

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

**Discussion by Commission:**

**MOTION:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Hart to continue the project until proper notice could be given as discussed.

**VOTED** upon and the Chair declared the motion carried unanimously.

**ITEMS FOR DISCUSSION AND RECOMMENDATION TO BOARD OF SUPERVISORS:**

**AGRI-TOURISM ZONING – CONCEPTUAL OUTLINE RECOMMENDATION TO THE BOARD OF SUPERVISORS.**

**\*\*CONTINUED FROM MAY 17, 2017 PLANNING COMMISSION MEETING\*\***

Mr. Chafin presented the supplemental staff report to the Commission and reviewed the topic of agritourism and what had been discussed at the last Planning Commission meeting. He said that staff is aware of people conducting agritourism without a use permit approved by the Planning Commission. He said that staff is recommending that the zoning ordinance be reviewed to add appropriate regulation language to ensure the continued capability of existing agriculture while allowing agritourism uses, and providing some basis for this type of use that could be a benefit to the county. He said that there is considerable interest in this agricultural use, but the issues regarding agritourism should be fully vetted. He said that the current County Code has no text at the moment to accommodate this use. He said that the Planning Commission could further discuss Agritourism or take action to recommend to the Board of Supervisors that they appoint an ad hoc committee to look into Agritourism before zoning text is presented to the Planning Commission for their approval and recommendation to the Board of Supervisors.

**MOTION:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale to recommend to the Board of Supervisors that an Advisory Committee be appointed comprised of representatives of the County's farming and ranching community and others formed for the purpose of discussing the possibility of amending the Siskiyou County Zoning Ordinance to address agritourism to include appropriate agritourism guidelines, defining the meaning of Agritourism in the context of Siskiyou County and avoiding the imposition of unnecessary regulation.

**VOTED** upon and the Chair declared the motion carried unanimously.

**\*\*ENHANCED ANIMAL PRODUCTION CONCEPTUAL DISCUSSION AND RECOMMENDATION TO THE BOARD OF SUPERVISORS**

County Administrator Barber and Supervisor Haupt have asked Planning Division staff to assess the possibility of, and approaches to, amending the text of the Zoning Ordinance to allow more intense animal production by right (i.e., without a use permit) in the AG-1 and AG-2 Zoning districts, herein referred to as enhanced or intense animal production.

The staff report memo was presented by Mr. Chafin who informed the Commission that this topic comes before the Commission at the direction of the County Administrator and Supervisor Haupt, and is regarding intense agricultural uses in the AG1 (Prime Agricultural) and AG2 (Non-prime Agricultural) Zoning Districts by right. He further informed the Commission that the direction was a result of a recent request to expand a hog or pig farm. He added that rather than treating this request as an individual project, it was suggested that Planning initiate a zone change. He said that currently a use permit would be required for intense agricultural production, but the County Code does not have a clear definition of intense agriculture other than requiring a use permit for dairies and commercial feed lots. He added that a use permit process affords a high level of review and requires environmental review.

Commissioner Fowle commented that this area of agriculture has changed as it is no longer a Harris Ranch type of feed lot, but is occurring on family farms.

Mr. Chafin commented that this was an important issue, and likely would have different interpretations and recommendations. He explained that County Administrator Barber and Supervisor Haupt thought that certain uses should be permitted by right and that a zoning text amendment discussion should be held. He said that the questions are what level of intensity, what different standards for the different types of animals; are there different limits for different areas in the county (such as Scott Valley), will there be other performance standards to avoid nuisance impacts and environmental impacts, will animals be enclosed in a structure and what would be the environmental protection required for that.

He said that a liberalized zoning ordinance could be of considerable concern to the general public and land use compatibility matters and concerns would need to be fully vetted before the zoning text is drafted. He added that the recommendation to the Board of Supervisors could suggest an ad hoc committee or the same ad hoc committee as the agritourism committee.

Commissioner Fowle said that it was the same situation as with the agritourism discussion.

Chair Melo noted that the Commission had received a letter from Ann Marsh commenting on this subject.

**CHAIR MELO OPENED THE DISCUSSION TO PUBLIC COMMENT:**

Niki Harris of Fort Jones came forward and said that she was co-owners of an agricultural operation and described her operation. She said that the farm is a California heritage farm and they had wanted to add to the existing operation. She explained that at this point there is fantastic encouragement to expand her operation. She said that her operation exceeds high standards and she is interested in growing their operation. She said that currently she cannot grow their business without a use permit. Cows and hogs have an impact. She said that confinement farming can greatly impact the environment, and agriculture needs to have something in place to avoid negative impacts. She explained that her operation is different because it is not within enclosed structures.

Commissioner Veale said the county does require a use permit.

Commissioner Fowle commented that North Coast Regional Water Quality Control Board currently does not require permits for pasture raised commercial agricultural operations, and added that what triggers a permit from the water board is an enclosed feed lot where they are flushing waste. He explained that the question is that based on current code and current agricultural practices, should the county require a permit for pasture operated feed lots.

Mr. Chafin clarified that the County Code does not get that specific under uses permitted in AG1 and AG2 zoning as it does not address pasture vs. enclosed feed lot and this puts staff in the position of interpreting the code. Commissioner Fowle said that he is now seeing niche agricultural operations emerge, and he can see that the requirements of the code do not accommodate or apply to pastured feed lots. Commissioner Fowle said that use permits were required for enclosed operations, a hog farm and a dairy, but they both involved enclosed structures and they have waste. He said that he would like to see a committee established to look into this, but they need to be individuals familiar with water quality and manure management as it is not so much whether the stock is pastured or kept in enclosed structures. He explained that if the agricultural use is confined at all or do not have enough acres to properly rotate the animals, then it gets back into a gray area. He further explained that it is manure management that is the trigger and true confinement requires an enclosed air system and a lagoon for manure management. He added that there may be a cross-over into agritourism that could add revenue per acre.

In response to a question from Commissioner Veale, Mr. Chafin explained that a use permit is discretionary and may include conditions of operation or approval, and it could be withdrawn. If the use is allowed by zoning and acquired by right, then the owner could count on it not being involved in a zoning code violation, and no use permit would be required. Commissioner Fowle commented that it was a question of what should trigger a use permit for an activity. He added that generally the question would be does the activity potentially present a health or safety risk to the public. He added that it should not be a nuisance because Siskiyou County is a Right to Farm County. He said additionally the question is what would trigger the need for a use permit, and if it does not require a use permit, then it should be allowed by right in zoning.

Mr. Chafin said that staff was not trying to create a new regulation, but merely responding to direction from higher up to allow intense agricultural production but without creating land use impacts. Commissioner Fowle said that Siskiyou County was not alone in looking into this,



because it is being discussed by other states and other counties, and it is timely. He added that agriculture is evolving and changing in different ways.

Ms. Nicki Harris commented that it is not fair to regulate herd density, because water and manure management are better checks and balances than herd density. She added that the county should look at the role of sheep, poultry, and goats as they can be used for natural and effective weed abatement.

Ann Marsh, a resident of Scott Valley, came forward to comment. She said that if these uses are allowed by right it would affect our agriculture. She said that residents of Scott Valley rely on the Scott Valley Area Plan and there should be a change to the Scott Valley Area Plan if there is a change to the County Code. She said that she wanted to know if membership on the ad hoc committee would be limited to only people in agriculture or would it be open to Scott Valley residents. She said that it could spoil property values and their way of life in the Scott Valley. She added that Hog farms are not allowed in Scott Valley. She added that she did not know why Ms. Harris' hog farm did not have a use permit.

Ms. Marsh thanked the Commissioners who are leaving for their service.

Commissioner Fowle responded to Ms. Marsh's comment saying that there are three hog operations in Scott Valley and the Scott Valley Area Plan does allow hog farms, but they are all operated under a use permit and are traditional enclosed hog farms. He added that there are seven other operations not enclosed.

No action was taken. The Commission directed staff to come back with a resolution for the Commission to approve recommending that the Board appoint an ad hoc committee to look into changing the zoning ordinance to accommodate the discussed changes to agriculture.

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Commissioner Fowle left at 10:50 a.m.

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**MISCELLANEOUS:**

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Wednesday, July 19, 2017.
2. **CORRESPONDENCE:** None
3. **STAFF AND COMMISSION COMMENTS**

Chair Melo informed staff and the Commission that he would not be available for the October Planning Commission Meeting.

The meeting was adjourned at 10:57.

Respectfully submitted,



Allan Calder, Secretary

