

**SISKIYOU COUNTY PLANNING COMMISSION
REGULAR MEETING
OCTOBER 18, 2017**

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

PRESENT: Commissioners Blair Hart, Danielle Lindler, Jeff Fowle and Dusty Veale

ABSENT: Chair Tony Melo

ALSO PRESENT: Allan Calder, Director of Community Development; Britt Dveris, Senior Planner; Pam Piemme, Associate Planner; Vurl Trytten, Executive Secretary; and Dana Barton, Deputy County Counsel

MINUTES: No minutes were ready for the Commission's approval.

PRESENTATIONS FROM THE PUBLIC: None

CONFLICT OF INTEREST DECLARATIONS: None

PUBLIC HEARING PROTOCOL: Vice Chair Veale reviewed the protocol for conducting the Planning Commission meetings.

RIGHTS OF APPEAL STATEMENT: Vice Chair Veale 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. Vice Chair Veale 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:

ZONE CHANGE Z-17-01 (MCCLOUD P-D ZONE CHANGE)

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**

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Commissioner Blair Hart arrived at 9:03 a.m.

STAFF REPORT:

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

Mr. Dveris handed a copy of the 1998 and the 2007 development plans to each of the Commissioners before his presentation. He said that the Commission had seen the project before. He reviewed the project, its location in McCloud, the Planned Development and the RR and RES 1 zoning. He reviewed the issues for property East of Haul Road and West of Haul Road. He also mentioned that the Rhodes Tentative Parcel Map project was on hold and dependent on the completion of the Zone Change project.

He said that the rezoning project had been based on the 1998 rezone with the proposal that the PD zoning be eliminated and the Development Plan be rescinded with the underlying RES-1 and RR zoning to remain in place in order to provide the property owners the ability to subdivide their land unfettered by the Development Plan. He said that the project was presented to the Commission in May, and at that meeting the item was continued to allow staff time to research the zoning history in the area and the subdivision projects in the area on both sides of Haul Road. He said that staff came back in June with a sectional map and current zoning confirmed, but the matter was continued because there was a recorded final map that was not taken into account in the Staff Report.

He informed the Commission that after the June 21, 2017 staff report was prepared and sent to the Commission he discovered another Tentative Subdivision Map from 2005 that affects the property East of Haul Road. He said that the Final Subdivision Map recorded but there is no Planned Development Plan Map, no written Planning Development Plan, and he had not found a development schedule. He said that the last Planning Commission action was in 2007 and was the Hurley Cummins development plan.

Mr. Dveris reviewed the situation on the West Side of Haul Road. He said that for the property on the West Side of Haul Road there is a Development Plan Map but there is no written Development Plan and the Subdivision Map never recorded. Mr. Dveris further explained that the lots have undergone Boundary Line Adjustments. He added that there is no liability for the County in approving the Boundary Line Adjustments.

Mr. Dveris further explained that the Rhodes Tentative Parcel Map prompted the Planning Division to initiate a rezoning for the property west of Haul Road.

He said that he is preparing to come to the Planning Commission with the two projects, but would need to do continued research to try to find a plan narrative with more "meat on the bones" for both east and west of Haul Road subdivisions. He said the problem was how to move forward with the project and preserve the prevailing densities, in particular the densities approved by the Commission for the Hurley Cummins development plan west of Haul Road.

Commission Questions of Staff:

Discussion was held regarding the differences between the subdivision on the West side of Haul Road that had an approved Development Plan , but no written Plan and no recorded Subdivision Map; and the East side of Haul Road with a recorded Subdivision Map, but no written Planned Development Plan or Planned Development Plan Map. Mr. Dveris explained that the land West of Haul Road did not develop according to that approved development plan , but the land East of Haul Road went through the process and there is a recorded Subdivision Map in place. He confirmed that East of Haul Road the parcels split according to the recorded map.

Discussion was held regarding whether lifting the PD zoning would require that the land go back to the zoning in place pre 1998, for the property on the West side of Haul Road, because the map never recorded. Mr. Dveris said that there are other places where the development plan lapsed but the zoning continued. Mr. Dveris recommended that the Commissioners remove the PD zoning and rezone to a residential district.

Mr. Dveris explained that there was a density issue because the approved development plan from 2007 called for half the density of the earlier 1998 development plan. Commissioner Lindler mentioned that no matter the density Cal fire considers the area timberland no matter what the zoning is. She added that they are enforcing timberland conversion requirements in that area.

Mr. Dveris explained that staff was going to bring the project before the Commission with a density of 1 acre to 1.5 acre lots west of Haul Road, but the 2007 development plan for called for 2 acre lots and therefore a lower density. He said that now the project as currently proposed on the West side of Haul Road would increase density over what the 2007 development plan called for in the area and would require recirculation of the environmental document. Commissioner Fowle proposed lifting the PD zoning on the West side of Haul Road and going back to the 2.5 acre lot size of pre-1998.

Mr. Dveris explained that West of Haul Road the PD Zoning Ordinance was adopted but the Subdivision map was never recorded, so in order to change the zoning an Ordinance would have to go to the Board to be approved. Vice Chair Veale asked where the assessor went for the Assessor's map, and suggested that the Assessor's map would have the legal description of the lots and Boundary Line Adjustments would have the new legal description.

Mr. Dveris said that assumptions were based on the 1998 plan, but now per the 2007 development plan, 2-acre lots are the existing standard. He added that McCloud Community Services District is concerned about the higher density West of Haul Road.

Deputy County Counsel Barton suggested that the Commission continue the matter, because they do not know all of the facts. Commissioner Fowle recommended that the Commission rescind the mess and then go back to original parcel size in 1998.

Vice Chair Veale confirmed that the Commission was not yet going into the public hearing.

Commissioner Fowle asked why the county is going through the effort on this project. He said that when the property owner or owners have a problem, they need to be obligated with financial

cost to file the appropriate zoning project for the property. He added that if there are Boundary Line Adjustments out of compliance, then the property owners should come to the Commission to straighten it out.

Vice Chair Veale said that the problem on both the West side of Haul Road and the East Side of Haul Road is the Planned Development zoning. He suggested removing the PD zoning to get rid of this encumbrance that is complicating the situation. He said that the intent of the project last spring was to rezone on behalf of the property owners on the West side of Haul Road. He said that density is now a further problem for the project. He suggested that staff check on setbacks and into the problem of the McCloud Community Services District serving the one acre parcels on the West side of Haul Road.

Vice Chair Veale confirmed that an application for a building permit would be circulated for review through the Planning Division and the Environmental Health Division.

Commissioner Lindler warned that the regulation regarding Timberland Conversion would be enforced regardless of parcel size. She said that people are starting to get fined. She said that a permit for Timberland Conversion could be required even for one tree.

Mr. Dveris informed the Commission that he was in touch with the attorney for the Rhodes project and had kept him informed.

Commissioner Hart said that ownership of Haul Road might be an issue as it is a private road and it is now owned by Nestle. He said that it had a break-away gate for fire escape. He also asked how it can be legal with no development plan. He said that logic says that past developers have not followed through, and how can that be legal. He said that the Board cannot just lift the Planned Development they need to change the zoning. He added that it may be most appropriate to go to R-R-B-2.5 zoning.

Mr. Dveris recommended continuing both items in order to conduct further research and to look into the constraints of the McCloud Community Services District. He said he had to look into the possibility of reverting to previous density standards, because there would be implications for people on the West side of Haul Road. He said in particular the Rhodes are frustrated and have hired an attorney and he would like to consult with them so that they do not feel blind-sided.

Commissioner Hart said that further research was warranted and suggested they have a new title report. Commissioner Fowle said that he would like to go back to pre-1998 zoning. He said that the Applicant would need to come in with a new application and project proponents should come back with a corrected application.

AGENCY INPUT: None

Vice Chair Veale opened the Public Hearing.

PUBLIC INPUT: None

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

Discussion by Commission: There was no further discussion by the Commission.

MOTION: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Lindler to continue this item to a future Planning Commission Meeting date to be announced.

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

RHODES TENTATIVE PARCEL MAP (TPM-15-08)

The project is a proposed tentative parcel map to subdivide the 4.57-acre parcel into four lots, ranging in size from 1.03 to 1.38 acres. Water and sewer services would be provided by the McCloud Community Services District. The project site (APNs 049-062-110, 049-062-140, and 049-062-170) is located on the west side of Haul Road, approximately 1,000 feet north of State Highway 89 in the unincorporated community of McCloud, Siskiyou County, California on APNs 049-062-110, 049-062-140, and 049-062-170; Section 6, T39N, R2W, Mount Diablo Base & Meridian (Latitude 41°15'20.00"N, Longitude 122°07'18.30"W). The Planning Commission will consider the approval of this project.

**MITIGATED NEGATIVE DECLARATION
TENTATIVE PARCEL MAP**

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STAFF REPORT:

There was no separate oral presentation of the staff report for this item on the agenda. This project is dependent on the McCloud rezone project. See the minutes on the above McCloud rezone project. The Rhodes Tentative Parcel map project cannot move forward until the McCloud rezone project (Z-17-01) is completed.

MOTION: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Lindler to continue this item to a future Planning Commission Meeting date to be announced.

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

MISCELLANEOUS:

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Wednesday, November 15, 2017.
2. **CORRESPONDENCE:** Email received was passed out to the PC
3. **STAFF AND COMMISSION COMMENTS**

Mr. Calder gave the Commission an update on the Agri-tourism Technical Advisory Committee (TAC) and the Enhanced Animal Production TAC. The Board of Supervisors declined to set up the TACs and returned this matter to the Planning Commission to establish the TACs, and prepare an ordinance that the Commission recommends the Board approve.

Mr. Calder passed out a copy of the CA Agricultural Homestay Bill (AB1258) that gave exemptions to farms and ranches for homestays limited to 6 guests and is part of the Health & Safety Code. He explained that the Siskiyou County Code could be updated to reference farm and ranch home stays and reference compliance with AB 1258. He said that in addition this could be a use by right in AG2 and AG1 zoning districts or by use permit. He said other counties have developed laws that could be reviewed. For example Yuba County allows a use by right for 4 special events per year with no more than 50 attendees. He said there are ways to embrace what is already in the law.

Commissioner Fowle said that the Board of Supervisors had said that they do not want to appoint the TACs, but the Planning Commission could establish the TACs. He said that his idea was to set up two TACs one for Agri-tourism and the other for Enhanced Agriculture. He suggested staff prepare the necessary staff report and bring it back to the Planning Commission for consideration. Discussion was held regarding what should require a use permit.

Commissioner Hart commented that the Commission cannot make a decision without an agenda item. He recommended that staff bring the item back to the Commission on the next agenda.

Commission Comments:

Commissioner Hart asked if it was appropriate to ask for a closed session regarding the last Planning Commission meeting at Miners Inn. Ms. Barton responded that County Counsel would have to look into that, because the hearing before the Board of Supervisors has not yet taken place.

Commissioner Fowle asked for the status on JH Ranch. Mr. Calder responded that Planning has three contract planners to assist the Planning Division: ICF, and Scott Friend with ECORP who is familiar with the area and will assist with JH Ranch and Kidder Creek. He added that Richard Tinsman will also be assisting with basic land planning matters. He explained that the contract Planners would assist with the backlog.

Mr. Calder said that the last JH Ranch site visit was with Scott Waite from Public Works, Monty Messenger from CalFire, and Jim Freed from JH Ranch. He said that it was regarding secondary access and they had identified areas that would need improvements. He said they investigated another road access and found that another access road that goes back out to Highway 3 by another road wasn't feasible. He said that Jim Free was exploring additional options to resolve the pinch point areas. He said that they were now studying French Creek Road to bring it up to 4290 standards with two full 9 foot lanes.

Commissioner Hart asked about a site visit. Ms. Barton said that there could be a site visit if it is publicly noticed and follows the Brown Act. He also asked about funding for all of the staff time that has been spent on the project.

Mr. Calder responded that staff has been working on accommodating the complaints and working with the applicants. He said bringing the access road up to 4290 standards has been identified as the issue that is preventing the project from moving forward. He said that when

they establish a direction to follow, then it would be the applicant's project moving forward and funded by the applicant.

Commissioner Hart confirmed that if there was any condemnation, it would be initiated and paid for by the applicant.


Commissioner Lindler reminded that if trees are removed for the project a Timberland Conversion permit might be required from the California Department of Forestry.

Commissioner Fowle warned that there might be problems with trying to widen the roadway. He said that at the intersection of French Creek Road and Miners Creek Road, there is a power and phone junction that at the time it was approved was essentially a little piece of a parcel and the set-back for the power and phone junction boxes was from the edge of the pavement not 40 feet from the centerline of the road. He said that there are also major irrigation ditches that may not be 40 feet from the centerline of the road. He added that Scott Valley Fire District has a Water Tender Truck garage at the first turn and the setback for the garage was based on the distance from the pavement and may be in the easement. He said that there are also two houses that are close to the roadway.

Commissioner Hart asked if the Crystal Geyser Project could be sent back to the Planning Commission by the Board of Supervisors. Ms. Barton responded that the Board of Supervisors would have to consider its options, and said that they could see it again if the Board of Supervisors returned it to the Planning Commission.

Commissioner Fowle asked a question about the Crystal Geyser Project Use Permit and the certification of the Final EIR. Ms. Barton responded that the Commission should not talk about the project now as it is not an item on the agenda.

The meeting was adjourned at 10:25 a.m.

Respectfully submitted,

Allan Calder
Secretary

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