

SISKIYOU COUNTY PLANNING COMMISSION
REGULAR MEETING
November 15, 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, Danielle Lindler, Dusty Veale, and Tony Melo

ABSENT: None

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

MINUTES:

MOTION: It was moved by Commissioner Veale, seconded by Commissioner Fowle, to approve the minutes of the regular meeting on September 20, 2017, that was adjourned and continued to September 27, 2017 as presented.

VOTED upon and the Chair declared the motion carried unanimously.

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:

PETERSON USE PERMIT (UP1703)

The applicants are requesting Use Permit approval to establish a single-family residential use within a C-U (Neighborhood Commercial) zoning district. The project site is located on the west side of Everitt Memorial Highway, due west of 1612 Everitt Memorial Highway, and

approximately 362 feet north of the intersection with Upton Way, north of the City of Mt. Shasta; T40N, R04W, Sec. 9; MDB&M; APN: 037-080-270.

**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 Associate Planner Pam Piemme.

Ms. Piemme introduced herself. She informed the Commission that Mr. Peterson was requesting a use permit in order to build a single family dwelling in the Neighborhood Commercial Zoning District (CU). She explained that a single family dwelling is allowed in CU zoning with a use permit. She described the location of the project and showed the project location on a projected map. She informed the Commission that Mr. Peterson's application for a Building Permit necessitated review of the project by the Planning Division which revealed that he would need a conditional use permit because of the CU zoning.

She said that the project is located on a one acre parcel of undeveloped land with brush and manzanita. She stated that the parcel is a legal parcel created by a parcel map that recorded in 1984. She added that the parcel has been approved for a septic system and there is a well on property site.

Ms. Piemme informed the Commission that the CU zoning in this area is a strip of commercial zoning along Everitt Memorial Highway that was enacted when the ski bowl area was still operating. She said that the intent was to zone this strip of land commercial to accommodate potential commercial uses to serve the ski area. She added that an avalanche wiped out the ski area and it was never re-established, and the area now has developed with residential uses. She said that there were no commercial uses found in the area, just residential uses.

She showed the map of the CU zoning and its location along Everitt Memorial Highway. She showed that the adjacent zoning in the area was Rural Residential Agricultural (RR) zoning. She said that south of this project is also residential uses, to the north are apartments and across the street there are residential uses.

Ms. Piemme informed the Commission of the General Plan Policy Areas affecting the project are the Wildfire Hazard Area and the Woodland Productivity Area. She said that staff has reviewed the Project and General Plan Policies and has found the project to be consistent with the General Plan as outlined in the General Plan Consistency Findings in the staff report.

She said that in the environmental review of the project, staff had determined that the project was categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15303(a) (Class 3) Construction of small structures in a residential zone. She explained that the project qualified because of the surrounding residential uses and because the single family dwelling is allowed with the conditional use permit.

She said that the comments received were basic comments. She added that there have been three other similar projects of the approval of use permits for residences in the same area and in the CU zone.

Commissioner Veale confirmed that the project could not have been done by staff administratively.

AGENCY INPUT: None

Chair Melo opened the Public Hearing.

PUBLIC INPUT:

Mr. Peterson, project applicant and resident of Eugene Oregon, informed the Commission that he had owned the property since 2001 and supported approving the use permit.

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

Discussion by Commission:

Commissioner Lindler confirmed with Ms. Piemme that she had looked into timberland conversion requirements.

Commissioner Fowle commented that the same issue came up in 2007 regarding CU zoned parcels. He asked what the time and cost would be to change the zoning of the area to RR. Ms. Piemme responded that a zone change would be more expensive and has to go to the Board of Supervisors for approval.

Mr. Dveris commented that a rezone is perhaps in order because the area has not developed commercially. He explained that it would be discretionary to rezone the property, but in the long run it may be advisable to have one action rather than use permits coming in one at a time in a piece meal fashion.

Commissioner Lindler commented that the applicant had submitted a Building Permit quite a while ago. Ms. Piemme explained that Planning is tasked with reviewing the Building Permits and it took 4 weeks for Mr. Peterson's Building Permit Application to be reviewed and then he was informed that he had to apply for a use permit.

Commissioner Hart commented that the applicant should have been informed of the zoning when he bought the property. He added that if the County rezoned the area there might be legal action from other property owners. He said that the applicant knew the zoning and chose to buy the property and build a single family dwelling in a commercial zone, and he has the right to do that through the use permit process. He said that there is no reason to do a zone change. Commissioner Hart said that the residents have not asked for the rezone. Mr. Dveris explained that spot zoning for this one parcel would not be advisable. Commissioner Fowle said that there was a use permit in 2007, and he had asked why not change the zoning to residential zoning. Commissioner Fowle commented on the two homes in the adjacent property. Ms. Piemme responded that there was a small residential subdivision in place before the CU zoning and so they were grandfathered in. Commissioner Veale asked if the permit could be discontinued. Ms.

Piemme responded that the owner has two years to comply with the permit's conditions of approval, and once it is complete the use permit runs with the land. She further explained that if the permitted use lapses for over one year, then the use permit can be revoked. Discussion was held regarding what happened if the house is vacant but on the market for sale. Ms. Barton said that if the owner is actively trying to sell or is renting the residence, then the house would qualify as a residential use. Further discussion was held regarding what would happen if the house burned down, for instance in a wild fire. Ms. Barton said that if the house burned down, it could be replaced or converted to a commercial use. Ms. Barton said that a wild fire situation is a devastating event and the county would not want the owner to go through a burdensome process to replace a dwelling that had burned down; rather, the county would want the owner to be able to rebuild the structure.

MOTION: Following discussion, it was moved by Commissioner Lindler, seconded by Commissioner Hart to adopt Resolution PC-2017-005, attached hereto and incorporated by reference adopting a Categorical Exemption from CEQA for the project be approved and, further that the Use Permit for David Peterson and Kathleen Dugan (UP-17-03) be approved with the Conditions, Notations and Findings listed in Exhibit B-1.

VOTED upon and the Chair declared the motion carried unanimously.

FORMATION OF TWO TECHNICAL ADVISORY COMMITTEES (TAC's):

An Agritourism TAC and a by-right multi-species farming TAC (Discussion/Action Item)
The previously circulated Staff Report was reviewed by the Commission and a presentation of the project was provided by Allan Calder

Mr. Calder reviewed for the Commission that the proposal to form the Technical Advisory Committees (TACs) came from the public to allow Agritourism and/or Multi-species farming by right in certain zoning districts. He said the matter went to the Board of Supervisors who declined to form the two TACs and returned the matter to the Planning Commission to establish the two TACs. He said that the goal would be to have the TAC produce defined by-right uses and restrictions, and develop suggestions to amend the zoning ordinance in the identified Agricultural Zoning Districts. He said that the TACs would look at adjacent counties and ordinances. He added that there should be questions and considerations for the TACs to study and suggest changes.

Commissioner Fowle said that Multi-species by right farming should be defined to include only dairy cattle and not include beef cattle. He said that it is not needed for beef cattle. He suggested that the TACs develop information for staff in order to amend the zoning ordinance. He said that there could be considerable interest from other groups and recommendations as to process that may suffice to develop a robust TAC. He said that he has 12 potential candidates. He recommended 5 on the regular committee and 2 alternates and a similar process for both of the TACs.

Dusty Veale commented that whatever happens with the TACs, the preservation of the zoning condition of a Right to Farm should be paramount in the process.

Commissioner Fowle commented that the process looked like once the Planning Commission makes and approves the TACs, then the Commissioners would be able to suggest names today.

Ms. Barton said that typically organizations such as the TACs were formed by, for instance, the Commission; then the Clerk would publish a Notice of Vacancy for the TACs; then those interested in participating would submit letters of interest to the Clerk and then the Letters of Interest would come back to the Planning Commission to be reviewed; and then the Members of the TACs would be appointed from those who submitted Letters of Interest. Ms. Barton suggested the Commission take a short break and ask the County Clerk about the process.

Chair Melo commented that in his experience 5 committee members with 2 alternates could be problem because the alternates can get out of the loop and then be thrown into a vote when they do not know what the Committee is doing.

Commissioner Fowle asked for a recess in order to clarify the process.

AT 9:43 a.m. Chair Melo called for a 17 minute recess to give Dana Barton time to talk with Allan Calder and the Clerk to see how to handle appointing members to the TACs. He called the meeting back to order at 10:00 a.m.

Ms. Barton said that she had checked with the County Clerk said that the TACs could be formed today. She said that the Commission has two options: One would be to name recommended members and seat and appoint them today. She said that the second option would be to form the committees today, set the qualifications, and then advertise, post and publish notice in the newspaper with a 30 day or 15 day deadline for submitting a Letter of Interest. She said that the County Counsel's Office would be available to give examples to Planning Commission Clerk Vurl Trytten of applications and qualifications. Ms. Barton said that the Commission could form the TACs today. She added that the Commission could make the TACs subject to the Open Meeting Laws, but it is not necessarily required. Commissioner Veale commented that it would be better if they were not part of the Open Meeting Laws because they are not in a decision making role. Commissioner Fowle said that he had reached out to those interested in being on the TACs.

Commissioner Fowle listed the following people as those who were interested in being part of the TACs: Carry Coupman Rivers, Mark Cleaver, Brian from 5 Marys for Agritourism, Gareth Plank, Nicki Harris for Multi Species, Jim Smith, Ag Commissioner for both TACs, Jim Morris for Multi Species, Hunter Orchards- Nicole Stewart for Agritourism, Rex or Douse-Bel Campo. Dave and Debbie Person of Papa's Place in Weed. Rob Mason, Holdhauser, Farm Bureau; Cattlemen's Association; Andy Harmen, Fair Board; Cattlewomen's Association, Fair Boards; 4H Tourism Committee; John Woods and Jean Wood.

Chair Melo recommended advertising would be beneficial for the end result. Commissioner Lindler recommended a 15 day notice period. Commissioner Fowle commented that there should be no problem with transparency. He added that people wanted to do this and the Commission's lack of action prevented moving forward.

Commissioner Fowle recommended a timeline of 15 to 20 days and further recommended that names come back to the Commissioner at the December meeting so that the Commission could

appoint the members to the TACs at the December meeting. He said that there was then the possibility of having something back from the TACs by February and the further possibility of something going to the Board of Supervisors in April; with two readings of the ordinance it might be ready for May.

Ms. Barton said that the timeline sounded about right. Chair Melo recommended a 15 day notice period for the Notice of Availability.

Ms. Barton responded that, hypothetically, if the Commission decided to advertise and received a tremendous amount of interest they could have more members on the TACs. Commissioner Fowle said that they would have qualifications. Ms. Barton confirmed that the Commission could set qualifications. Mr. Calder informed the Commission that the Zone Change or Zoning Code amendment would be subject to a CEQA environmental review because it is an amendment to zoning and the use would change. Preparation of the appropriate environmental document would have to be done.

Commissioner Hart said that the zoning ordinance would have to go through the process. Commissioner Fowle said that he sees hogs and chickens Ag operation that, in his personal opinion is doing very well but could face compliance problems and fines from the county. Mr. Calder said that there is an avenue to get use permits for chicken and hog farms.

Commissioner Veale commented that there was a consensus to advertise for 15 days with qualifications.

Ms. Barton mentioned that County Counsel has sample applications with qualifications.

For Agritourism, the Commission recommended the qualification that the member would be a resident of Siskiyou County and has an interest in agri-tourism.

For Multi-species, the Commission recommended the qualifications that the member would be a resident of Siskiyou County, would come from an operating farm or ranch, have demonstrated experience in farming and ranching, be an owner/operator of a farm or ranch, or be a licensed specialist in livestock production.

Chair Melo asked if Commissioner Fowle could review the qualifications. Commissioner Fowle and Lindler volunteered to review the qualifications.

Ms. Barton suggested that the Commission form the TACs today.

MOTION: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale to form an Agritourism TAC whose appointed members will aid Planning staff to amend the Zoning Ordinance to promote Agritourism in Siskiyou County and directed County Staff to prepare post and publish a Notice of Vacancy for the Agritourism TAC with the qualifications listed by the Commission and with notice of a 15 day period to submit Letters of Interest in serving on the Agritourism TAC whose members would be selected at the December 20, Planning Commission Meeting.

VOTED upon and the Chair declared the motion carried unanimously.

MOTION: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale to form the Multi-species Farming TAC to amend the Zoning Ordinance to promote by right Multi-specie farming in Siskiyou County and directing staff to prepare a Notice of Vacancy with the qualifications listed by the Planning Commission for the Multi-species Farming TAC to be posted and published in a local newspaper with notice of a 15 day period in which to submit Letters of Interest in serving on the Multi-specie Farming TAC and notice that the Planning Commission would appoint members to the Multi-specie Farming TAC from the Letters of Interest at the December 20, 2017 Planning Commission meeting.

VOTED upon and the Chair declared the motion carried unanimously.

MISCELLANEOUS:

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Wednesday, December 20, 2017.
2. **CORRESPONDENCE:** None
3. **STAFF AND COMMISSION COMMENTS**

Commission Hart asked for an explanation of a sphere of influence as it was mentioned in the Peterson use permit project. Mr. Calder explained that the Sphere of Influence was established by the Siskiyou County Local Agency Formation Commission (LAFCo) and there is a sphere of influence established by LAFCo for each municipality and each Special District in the County. He said that the sphere of influence is county property but is of mutual interest to the county and the municipality or special district. The area within a sphere of influence has county zoning, but there is the intent of reciprocal process within a sphere of influence between the county and the city or special district. In response to a question from Chair Melo regarding the boundary of Mt. Shasta's sphere of influence, Mr. Calder explained that there is a city boundary and a sphere of influence boundary set by LAFCo, and both the city boundary and the Sphere of Influence Boundary are mapped. He added that area within a sphere of influence is regarded as property a city could potentially annex into the city.

Commissioner Fowle mentioned the Board of Supervisors Crystal Geyser hearing was the next day. Commissioner Hart asked who would pay if the decision of the Board of Supervisors was appealed into the court. Ms. Barton responded that it would depend on if Crystal Geyser had entered into an indemnification agreement. Commissioner Hart said that it was distasteful to have the county spending money on a project taken into the courts. Mr. Calder explained that every planning project applicant signed an indemnification agreement before the project is set for hearing before the Planning Commission.

Commissioner Hart commented that it was an outrage that the county had to pay for the Roseburg project court costs.

Commissioner Fowle asked if an administrative approval or a use permit is required to create a wildlife refuge on a parcel zoned AG1. He said that he knows of a project that is disrupting the land and building a pond that has eliminated a water source that has an existing easement for a water right on the land. He added that they are building a pond without a permit.

He said that they are no longer raising cattle and the land is under a Williamson Act Contract. He asked about the Williamson Act Advisory Committee, and said the contract was in nonrenewal. Mr. Dveris said that if they have notified the county of nonrenewal, then it takes 10 years to be fully out of the Williamson Act Contract. Commissioner Hart mentioned that it is the Regional Water Quality Control Board who issues a permit to build a pond and the Department of Fish and Wildlife might also be involved. Ms. Barton responded that the situation was factually complicated and jurisdictionally complicated.

Commissioner Fowle commented that if the process had been followed, there would have been notification. Commissioner Lindler commented that if the land is forested, they would have to have permits to build a pond.

Commissioner Hart mentioned that there was Williamson Act land that was not being farmed. Commissioner Fowle asked about a violation of a Williamson Act contract. Mr. Dveris responded that the Assessor monitors the contracts because they bear on taxation. Commissioner Fowle responded that he fills out a Williamson Act form every year for the Assessor, and asked if it was a red flag if there is a violation. Mr. Dveris responded that non-renewal winds down over a 10 year period. In response to a question about what had happened regarding the state subventions for the Williamson Act Contracts, Commissioner Fowle said that the counties got a bit of money last year.

The meeting was adjourned at 11:02 a.m.

Respectfully submitted,



Allan Calder
Secretary

/vt