

SISKIYOU COUNTY PLANNING COMMISSION
REGULAR MEETING
January 17, 2018

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, Dusty Veale, and Tony Melo

ABSENT: Commissioner Danielle Lindler

ALSO PRESENT: Allan Calder, Director; Christy Cummings Dawson, Deputy Director of Planning; Britt Dveris, Senior 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 Fowle, seconded by Commissioner Veale, to approve the minutes of December 20, 2018, 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.

NEW BUSINESS:

APPOINT MEMBERS TO THE MULTISPECIES FARMING TECHNICAL ADVISORY COMMITTEE

A Notice of Vacancy for the Multi-species Farming Technical Advisory Committee was published in the Siskiyou Daily News on December 26, 2017. The Notice was also posted at the County and placed on the County's website. Letters of Interest have been received. The Planning Commission will appoint members to the Multi-species Farming Technical Advisory Committee.

APPOINT MEMBERS TO THE AGRITOURISM TECHNICAL ADVISORY COMMITTEE

A Notice of Vacancy for the Agritourism Technical Advisory Committee was published in the Siskiyou Daily News on December 26, 2017. The Notice was also posted at the County and placed on the County's website. Letters of Interest have been received. The Planning Commission will appoint members to the Agritourism Technical Advisory Committee.

STAFF REPORT:

The previously circulated Staff Report was reviewed by the Commission and a presentation of the project was provided by Christy Cummings Dawson, Deputy Director of Planning.

Ms. Dawson said that at the Planning Commission's regular November meeting after discussion the Commission voted to form two Technical Advisory Committees (TAC); one to look at Agritourism and the other to look at Multispecies Farming. She informed the Commission that a Notice of Vacancy was published and posted for each TAC. She said that letters of interest had been received for both TACs. She noted that some letters of interest had been received after the requested response date. She said that the Commission had discussed appointing five members and two alternate members to the TACs.

She further informed the Commission there was one change, because the TACs may be subject to the Brown Act. Ms. Barton informed the Commission that the TACs would be subject to the Brown Act, because they were formed by a Legislative body and therefore will be subject to the Brown of Act. In response to a question from Commissioner Fowle, Ms. Barton explained that though appointed, the Planning Commission fits the definition of a Legislative Body pursuant to the Brown act. In response to a question from the Commission as to whether a Member could sit on both committees, Ms. Barton responded that she could look into it, but there might be a conflict of interest.

APPOINTMENT OF MEMBERS TO THE MULTISPECIES TAC

MOTION: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Hart to appoint Jacob Barr, Craig Thompson, Gareth Plank, Brian Heffernan, Nicki Harris, Carissa Koopman Rivers, Jim Smith and Mark Klever to the Multispecies Farming Technical Advisory Committee.

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

Discussion by the Commission:

Commissioner Melo commented that the Multispecies Farming TAC needed members in the business. Commissioner Veale commented that, in his opinion, two people on the TAC will come with a holistic approach.

Commissioner Fowle agreed and added that two of the members appointed have brilliant legal minds and that the blend of people is nice.

Discussion was held regarding the qualifications of the members.

Mr. Calder mentioned that one thought was that Jim Smith, who is a County employee, would sit as an advisor and not a voting member. Ms. Barton explained that these TACs are advisory committees and the definition of Ad Hoc Committee did not fit. She added that she could look into this, but Jim Smith's expertise is appropriate and valuable.

APPOINTMENT OF MEMBERS TO THE AGRITOURISM TAC

MOTION: Following discussion, it was moved by Commissioner Fowle, and seconded by Commissioner Veale to appoint Craig Thompson, Gareth Plank, Brian Heffernan, Nicki Harris, Carissa Koopman Rivers, Jim Smith, and Mark Klever Members of the Agritourism Technical Advisory Committee.

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

General Discussion by the Commission:

Commissioner Hart asked if the Agritourism TAC would cover things such as the AG Extension tours. Commissioner Fowle said that with the Members that had been appointed to the TAC, discussion regarding the tours would likely be addressed. Commissioner Hart mentioned the ski area's blackberry festival which is a Special Event that requires a use permit, and asked if this would preclude needing a use permit for a special event. Commissioner Fowle explained that each TAC would come to the Commission with language that may include having a use permit or not, and the Planning Commission will look at their proposal. Commissioner Hart commented that the framework of what would need a special use permit and what would not will be tough, as will defining what is or is not agritourism. Chair Melo commented that when complete, the changes would be part of the county code by approval of a county ordinance, and will clarify section of the code .

Commissioner Veale mentioned that the right to farm should be paramount in anything that is decided. Commissioner Fowle commented that this was developed to avoid conflict.

Discussion was held regarding religious retreats, community gatherings, and marriage celebrations held on ranches. Commissioner Hart commented that he hopes for specific guidelines from the TACs. Commissioner Veale commented that these activities are going on right now and the Commission is trying to put order into it. Commissioner Fowle commented that he was hoping for language that would target and define what things or events are allowable ancillary uses to agriculture businesses, and what is allowed without a use permit. He said that other activities are grayer, and this group needs to be further defined with allowable activities defined. Commissioner Fowle said the TACs have a narrow focus on agricultural land and on specific zoning. Ms. Dawson commented that they would be coming up with the recommended definition of what is allowed by right and where the threshold is.

Commissioner Hart mentioned that he had been to the Expo in Medford and there over 100 booths on cannabis. Commissioner Fowle responded that Cannabis is a class A drug and not an agricultural crop, but hemp is an agricultural crop. He added that until it is recognized, it is not an agricultural crop. Commissioner Hart said that in California, it was OK for recreational use. Chair Melo asked about a draft recommendation. Commissioner Fowle said that the TACs

would each come up with language that will be going to the Planning Commission and then the Board of Supervisors before it is approved.

MISCELLANEOUS:

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Wednesday, February 21, 2018.
2. **CORRESPONDENCE:** None
3. **STAFF AND COMMISSION COMMENTS**

Ms. Dawson discussed the memo given to the Commission regarding various mines needing to update their Reclamation Plan. She explained that the Department was looking for a way to streamline the process with those that need simple modifications. She said that Planning was open to suggestions or knowledge of past history. Mr. Dean explained that there were about one dozen reclamation plans that needed modifications. Both Commissioners Fowle and Hart recalled that the Commission had discussed this before, and had indicated that if a mine is still in operation but has not completed mining and nothing has changed, then the time to complete the reclamation plan could be administratively extended. He said the Use Permit could also be extended and handled administratively if there are no changes. He said that in his opinion both a reclamation plan and a use permit could be re-issued and extended if there are no changes. Ms. Dawson said she would look into it and see. She explained that they also would like input on the definition of substantial, because it is not defined in the code. Mr. Dean added that they would like feedback on minor vs. major in terms of granting an extension. He said that one thought was to extend the use permit and reclamation plan one-half of the original time granted to the use permit and reclamation plan.

Chair Melo requested staff to bring a report and recommendation to the Planning Commission. He cautioned that the granting of an extension of 5 to 10 years on the reclamation plan needed to not impact the county financially. He said that there would also be more inspections, and did not want to generate work for the county. Mr. Dean explained that the County collects a mine inspection fee every year. Ms. Dawson said that she would bring back a report and recommendation and ask the Planning Commission to act on it. Commissioner Veale suggested that they check with Modoc and Placer County to see how they handle these issues.

Senior Planner Dveris informed the Commission that he had a response to the Williamson Act question regarding open space. He said open space is allowed, but if a land owner has land under contract and wants to change the use to no agricultural activity, the conversion would require another application, and they would be out of compliance if the conversion occurred without another application being approved. Commissioner Fowle said a land owner would not have to apply to change the Williamson Act Contract if they go from alfalfa to hay or rotate and change the crops as part of the ranch business, it would only be when they change from Agricultural production to open space. Mr. Dveris said that he thought the Williamson Act Guidelines of 2012 were specific.

Commissioner Fowle challenged the definition. Mr. Dveris said that the State considers as open space anything that is nonprime agricultural land including grazing. Mr. Dveris said he thought the contracts were more specific but he may have misunderstood what he had heard from the Assessor's Office.

Commissioner Fowle said that he submitted a Williamson Act Contract survey to the Assessor every year that is regarding the crops produced, animals and grain numbers and what is being produced and what has changed. Mr. Dveris added that withdrawal from a Williamson Act Contract has been voluntary, and costs \$600.00.

Ms. Dawson said that when she was with Planning previously, she had pulled out Williamson Act Contracts and had visited Williamson Act Properties to see if there were any agricultural activities on the property. She said that most of the contracted land had agricultural activities going on, but if they did not, most then made an effort to get grazing contracts to come into compliance. She said that there were maybe 10 that she had to review further to bring them into compliance.

Commissioner Hart said that if it is voluntary to report or not report, then contract holders will not report. Ms. Dawson said that it may be time to do a review again. Commissioner Fowle said that he has to do an annual Williamson Act report that goes to the Assessor. Ms. Dawson said that Planning had its own simple survey. She explained no response went on a short list to look into further. She said that there were some owners who were not in compliance with their contract. Commissioner Hart said that he knows of a piece of property that is now fallow due to family quarrels and an estate that has not settled.

Mr. Dveris said that open space is considered a compatible use, but the owner would not be in compliance without applying to change the use to open space.

Commissioner Hart mentioned an animal rescue operation that he did not think was in compliance and Ms. Dawson said that she would look into it.

Commissioner Fowle said that the County coffers are low, and some are running not for profit enterprises and have no intent to farm or improve the quality of the land.

Commissioner Fowle asked if Mr. Jones has a ranch under Williamson Act Contract and his neighbor has an adjacent land for sale that is not under Williamson Act, and Mr. Jones has been leasing that land from his neighbor and Mr. Jones wants to buy it. Commissioner Fowle asked what the process would be to add land to an existing contract. Mr. Dveris responded that the intent of the moratorium is to prevent expansion of the Williamson Act program. He said that he is aware of only small pieces of land being added to Williamson Act contracts since the moratorium has been in effect. He said that it is his understanding that a determination of a de minimis increase in the amount of land under contract was required in order to have the Board consider adding land to a contract. He added that there was one case staff had considered that would have added 1.5 acres to an existing Williamson Act Contract that might be considered by the Board, but 40 acres could be prohibitive.

Commissioner Fowle said that in the last month he had been approached by three different individuals who had asked about this. He said that it is regarding a ranch that has been in the family for a long time, and there is adjacent land coming up for sale; but the opportunity to buy the land would depend on being able to add it to the Williamson Act.

A discussion was held regarding the Williamson Act Guidelines and adding land into farms and ranches that has been out of production for a long time.

Commissioner Fowle asked if he could get a status report on the Little North Fork activities and what agencies have been contacted to solve the problem. Mr. Calder responded that Monte Messenger of CalFire had been contacted regarding the timber harvesting that was done without a permit. He said that the County was looking at being pro-active on the matter. He said that the County cannot send crews up because it is private property.

Discussion was held regarding the problem with the suggestion that the Army Corps of Engineers be contacted.

The meeting was adjourned at 10:15 a.m.

Respectfully submitted,



Christy Cummings Dawson
Secretary

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