



# COUNTY OF SISKIYOU

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## STAFF REPORT

TO: Siskiyou County Planning Commission  
FROM: Britt Dveris, Senior Planner  
SUBJECT: McCloud Area Rezone (Z-17-01)  
MEETING DATE: October 18, 2017

### PROJECT SUMMARY

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 from Planned Development (P-D)/Single-Family Residential (RES-1) and Planned Development (P-D)/Rural Residential Agricultural (R-R) to Single-Family Residential B-1 (RES-1-B-1) and Rural Residential Agricultural B-2.5 (R-R-B-2.5).

### DIRECTION TO PLANNING STAFF AT MAY 17, 2017 PLANNING COMMISSION MEETING

Following the presentation of a summary of the staff report, a public hearing, and discussion of the proposed rezoning, the Planning Commission directed staff to research the zoning history of the subject properties and surrounding parcels to conclusively determine the current zoning of the project area. The item was continued to the June 21, 2017 Planning Commission meeting.

### PLANNING STAFF FINDINGS

Staff researched the zoning history of this area in McCloud and came to a determination regarding past and current zoning of the subject properties and surrounding parcels. Of particular concern to the Planning Commission was the current zoning of northern and western portions of, and parcels adjacent to, the proposed rezoning area. Staff presented Sectional District Map 10-6.205-529, which was adopted by the Board of Supervisors and Planning Commission in 1987 and confirms that the current zoning of the subject properties and adjacent parcels is as indicated in the staff report of May 17, 2017. The map indicates that the subject properties west of Haul Road were rezoned from R-R-B-2.5 to P-D (RES-1) pursuant to Ordinance 98-11, and that the subject properties east of Haul Road were rezoned from R-R-B-40 to P-D (R-R) pursuant to Ordinance 05-07.

### DIRECTION TO PLANNING STAFF AT JUNE 21, 2017 PLANNING COMMISSION MEETING

Following the presentation of a summary of the staff report, a public hearing, and discussion of the proposed rezoning, the Planning Commission directed staff to determine whether the County was liable for any land splits or boundary line adjustments that had not been done in conformance with the development plan. Additionally, because staff had discovered a recorded final map of the P-D-zoned property east of Haul Road, it was deemed necessary to determine whether the environmental document and staff report would have to be revised and the public hearing renoticed to reflect any substantive changes to the rezoning application. The item was continued off calendar to allow staff time to investigate the aforementioned issues.

## **PLANNING STAFF FINDINGS**

Pursuant to Section 10-6.1188, an application to rezone property to P-D shall be accompanied by a development schedule indicating the timeline for implementing the project. No such development schedule has been found as of yet, but it is likely that if one ever existed, the time allowed to implement that schedule has already elapsed. Therefore, it is likely that parcels created since adoption of the development plan are not illegal simply due to their nonconformance with the development plan. If the Planning Commission determines that the applicant has failed to meet an approved development schedule, the Commission may initiate proceedings to remove the P-D zoning district from the zoning map. In addition to the discovery of a recorded final map for the properties east of Haul Road, there is also a separate development plan associated with that P-D zoning district.

## **ADDITIONAL PLANNING STAFF FINDINGS**

The proposed rezoning has been slightly modified to provide minimum parcel sizes for both resultant zoning districts on either side of Haul Road. (The proposed Single-Family Residential B-1 zoning district on the west side of Haul Road would allow a minimum parcel size of one acre; the proposed Rural Residential Agricultural B-2.5 zoning district on the east side of Haul Road would allow a minimum parcel size of two-and-a-half acres.) This supplemental staff report and an addendum to the Mitigated Negative Declaration have been prepared to provide information about this minor change to the proposed rezone. The October 18<sup>th</sup> public hearing before the Planning Commission has been duly noticed to reflect this minor change in the proposed rezone.

After noticing the October 18, 2017 public hearing, staff discovered that the development plan associated with the 1998 P-D rezoning of properties in McCloud, including the Rhodes property, was superseded by another development plan adopted in 2007. When the proposed rezoning was initiated last spring, the 1998 plan was the one upon which the rationale for the rezoning was based. It's apparent that an assumption was made that the 1998 plan was the only one that existed. Despite the fact that the 1998 development plan was amended in 2007 through a zone change ordinance, nothing changed on the County's GIS or Sectional zoning maps to indicate that another development plan had been adopted. (No formal mechanism for flagging changes in the status of P-D zoning districts currently exists.) Staff discovered the 2007 zone change ordinance that applies to properties west of Haul Road while searching through archives for the development plan narratives for the 1998 P-D rezoning west of Haul Road and the 2005 P-D rezoning east of Haul Road, neither of which are in the file established last spring.

The 1998 plan called for an average parcel size of about one acre; the 2007 plan calls for an average parcel size of about two acres. The minor change to the original rezoning application was made without having to recirculate the environmental document because the proposed density in that area is roughly the same as that in the 1998 development plan. Now that it is apparent that the 2007 development plan superseded the one adopted in 1998, the proposed one-acre minimum parcel size constitutes a considerable increase in density that must be accounted for in the IS/MND, which may now have to be recirculated if a minimum parcel size of one acre is proposed for the properties west of Haul Road.

## **PLANNING STAFF RECOMMENDATION**

Staff recommends continuing the McCloud Rezone (Z-17-01) and Rhodes Tentative Parcel Map (TPM-15-08) to the November 15, 2017 Planning Commission meeting to allow staff time to further study the implications of the 2007 P-D rezoning and recirculate the Mitigated Negative Declaration, if necessary.

## **PREPARATION**

Prepared by the Siskiyou County Planning Division. For project-specific information, please contact:

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