



Siskiyou County
Planning Commission Staff Report
November 20, 2024

New Business Agenda Item No. 3
Pine Place Road Setback Exception Request (SP-24-04)

- Project Summary** Proposed exception from the 50-foot setback requirement from the centerline of Pine Place Road in Happy Camp
- Location:** The project is located along the entire length of Pine Place Road (approximately 1,176 feet) in the Indian Creek Subdivision, north of the unincorporated community of Happy Camp; Township 17 North, Range 7 East, Section 22, Humboldt Baseline and Meridian; 41.8449°, -123.3853°.
- General Plan:** None
- Zoning:** Rural Residential Agricultural (R-R)
- Exhibits:** A. Draft Resolution PC 2024-026
 A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Exception of Pine Place Road from the Fifty-Foot Setback Requirement Along County Roadways (SP-24-04)
- B. Comments
- C. Indian Creek Subdivision Recorded Map (TMB-3-1 and TMB-3-1A)

Background

The Indian Creek Subdivision was approved by the Siskiyou County Board of Supervisors (BOS) on July 11, 1955. The subdivision included a forty-foot-wide loop road named “Pine Place”, which was later modified to “Pine Place Road”. A twenty-five-foot building setback was noted on the recorded map along both Indian Creek Road and Pine Place Road within the subdivision.

Less than a month later, on August 9, 1955, the BOS approved Ordinance 283, which was codified as what is now Siskiyou County Code (SCC) Section 10-3.03. This code establishes development setbacks along each side of every road in the county road system, as well as along all roads dedicated to public use and along all Federal and State roads and highways (except fenced freeways) for the purpose of accommodating future roadway expansion. The setback established by Section 10-3.03 is located parallel to and fifty-feet distant from the centerline of each right-of-way or twenty-feet parallel to and distant from the individual property lines facing the roadway, whichever is greater. With limited exception, the code does not allow for development of any permanent features within the established setback.

For the Indian Creek Subdivision, with the Pine Place Road right-of-way only being forty-feet wide, fifty-feet from the centerline results in a setback thirty-feet distant from the property line facing the roadway.

Although the code does not permit development within the established setback, it does provide two options for navigating around this restriction. Pursuant to Section 10-3.04, property owners can apply for a variance from the setback requirement and if the required findings for a variance can be made, the Planning Commission can reduce the size of the setback as requested. A variance can be approved only if there are unique circumstances specific to the property, such as size, shape, topography, or location, and if denial of the variance would create an unnecessary hardship for the property owner.

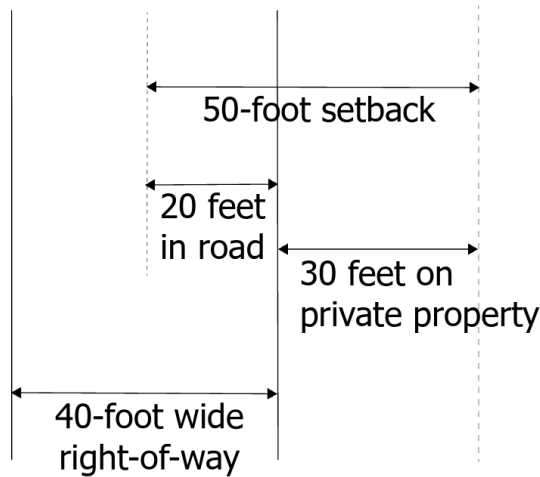
If the required findings to approve a variance cannot be made, an exception from the setback requirement for certain roadways or road segments may be granted with the “approval of the Planning Commission and the Board” under Section 10-3.04(b). This is the more practical option in those instances where it can be seen with certainty that the right-of-way for the particular roadway or road segment will not need to be expanded in the future or that sufficient encroachments already exist within the setback such that it may preclude the County’s ability to expand the right-of-way in the future.

Discussion

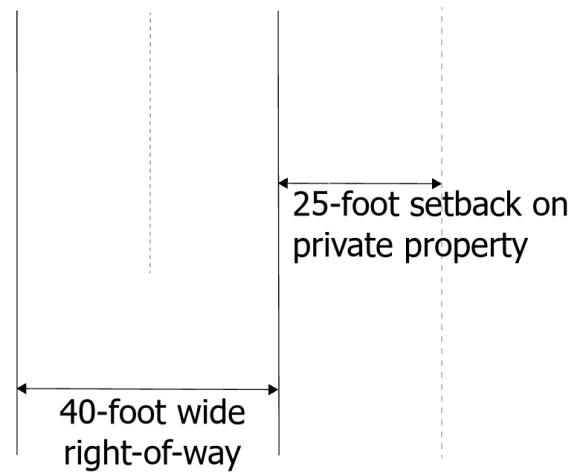
In the decades since the subdivision was created, a number of homes were built or placed on the parcels within the Indian Creek Subdivision. The September 2020 Slater Fire destroyed all of them. Due to the small parcel sizes of many properties along Pine Place Road, the setback thirty feet from the property line has the potential to hamper rebuilding of homes and accessory structures in this neighborhood. Therefore, an exception to the fifty-foot setback from the centerline of Pine Place Road right-of-way is proposed in order to provide property owners more area in which to rebuild.

Should the fifty-foot centerline exception be granted, the required twenty-foot setback (SCC 10-3.03(a)) from the property line facing the roadway would remain. Additionally, the twenty-five-foot building setback line, as shown on the recorded subdivision map (Exhibit C), would not be altered as part of this project and would remain in effect.

Existing Setback



Resultant Setback



Pine Place Road is County owned and maintained (road number 8C003) and is located approximately three and one-half miles north of the unincorporated community of Happy Camp. It serves as a local road to the Indian Creek Subdivision and is a loop that starts and ends along Indian Creek Road. There are no road connections other than Indian Creek Road. At the request of Planning staff, Public Works provided comments regarding the following:

- If Pine Place Road would likely be expanded in the future.
- If an exception to the setback requirement would be detrimental to future circulation in the County.
- If an exception to the setback requirement would result in any hazards regarding vehicular, pedestrian, or cyclist safety.
- If Public Works has any objections to this project.

Public Works determined that it is very unlikely that Pine Place Road will undergo future expansion, the setback exception is not likely to impact future circulation, the setback exception is not predicted to have a negative effect on vehicle, pedestrian, or cyclist safety, and Public Works has no objections to the proposed setback exception. See Exhibit B for the Public Works comment in its entirety.

Pursuant to SCC Section 10-3.03(b), exceptions may be made upon “approval of both the Planning Commission and the Board”. Therefore, the exception may only be granted if the Planning Commission and the Board of Supervisors both approve the exception request.

Environmental Review

The proposed exception from the setback requirement is exempt from environmental review pursuant to Section 15305 of the California Environmental Quality Act (CEQA) Guidelines. Class 5 exemptions consist of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. Because the average slope of the area is less than 20 percent and because there would be no change in land use or density and because there is no evidence, in light of the whole record before the County, that the proposed exception from the setback requirement would have a significant effect on the environment, staff is recommending that the project be determined categorical exempt from CEQA pursuant to Section 15305 of the CEQA Guidelines. As such, both the Planning Commission and Board of Supervisors would need to adopt the

**Planning Commission Staff Report
November 20, 2024**

categorical exemption prior to approving an exception for Pine Place Road from the 50-foot setback requirement.

Comments

A Notice of Public Hearing was published in the Siskiyou Daily News on November 6, 2024, and mailed to property owners within 300 feet of the subject property. No public comments have been received at the time this staff report was written.

Planning Staff Recommendations

- Adopt Resolution PC 2024-026 taking the following actions:
 - Approve the exception for Pine Place Road from the fifty-foot setback requirement along county roadways; and
 - Determine the project exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15305, Class 5, *Minor Alterations in Land Use Limitations*.

Suggested Motion

I move that we adopt Resolution PC 2024-026, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Exception of Pine Place Road from the Fifty-Foot Setback Requirement Along County Roadways (SP-24-04).

Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Rachel Jereb, Senior Planner
Siskiyou County Planning Division
806 S. Main Street
Yreka, CA 96097

Resolution PC 2024-026

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Exception of Pine Place Road from the Fifty-Foot Setback Requirement Along County Roadways (SP-24-04)

Whereas, Section 10-3.03 of the Siskiyou County Code establishes development setbacks along each side of every road in the county road system, as well as along all roads dedicated to public use and along all Federal and State roads and highways for the purpose of accommodating future roadway expansion; and

Whereas, the setback established by Section 10-3.03 is located parallel to and fifty-foot distance from the centerline of each right-of-way or twenty-foot parallel to and distance from the individual property lines facing the roadway, whichever is greater; and

Whereas, Section 10-3.03(b) of the Siskiyou County Code allows an exception from the setback requirement for certain roadways or road segments upon approval of the Planning Commission and Board of Supervisors; and

Whereas, the Planning Division is requesting approval of an exception from the fifty-foot setback from centerline requirement for Pine Place Road (road number 8C003) in the Indian Creek Subdivision, north of the unincorporated community of Happy Camp, in order to help facilitate redevelopment subsequent to the September 2020 Slater Fire; and

Whereas, approval of the exception from the fifty-foot setback from centerline would not affect the twenty-foot setback established by Section 10-3.03 or the twenty-five-foot setback established by the Indian Creek Subdivision map recorded as Town Map Book 3 at page 1-A; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on November 6, 2024; and

Whereas, hearing notices were posted pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; and

Whereas, the Planning Division presented its oral and written staff report on the proposed Pine Place Road Setback Exception Request (SP-24-04) at the Planning Commission's regularly scheduled meeting on November 20, 2024; and

Whereas, the Planning Division recommended the proposed setback exception be considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines; and

Whereas, on November 20, 2024, the Planning Commission discussed the proposed exception from the fifty-foot setback requirement along Pine Place Road before reaching its decision.

Now, therefore be it resolved that the Planning Commission adopts the categorical exemption from CEQA pursuant to CEQA Guidelines Section 15305 and approves the proposed exception from the fifty-foot setback from centerline requirement for Pine Place Road in the Indian Creek Subdivision north of the unincorporated community of Happy Camp.

Be it further resolved that the Planning Commission recommends the Board of Supervisors also adopt the categorical exemption from CEQA pursuant to CEQA Guidelines Section 15305 and approve the proposed exception from the fifty-foot setback from centerline requirement for Pine Place Road in the Indian Creek Subdivision north of the unincorporated community of Happy Camp.

Be it further resolved that the required 20-foot setback described in Section 10-3.03(a) and the building setback line set forth on the Indian Creek Subdivision map recorded in Town Map Book 3, Page 1-A still remain.

It is hereby certified that the foregoing Resolution PC 2024-026 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting of the Siskiyou County Planning Commission held on the 20th day of November 2024, by the following roll call vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

Jeff Fowle, Chair

Witness, my hand and seal this 20th day of November 2024.

Hailey Lang, Secretary of the Commission

From: [Terry E. Smith](#)
To: [Rachel Jereb](#)
Cc: [Thomas Deany](#); [Jeremy Lipke](#)
Subject: RE: SP2404 - Pine Place Road (8C003) Setback Exception
Date: Wednesday, October 9, 2024 11:34:56 AM

Rachel;

We have conferred with Tom regarding your request and as a result:

1. It is very unlikely that Pine Grove Court will undergo future expansion.
2. With current and future predicted traffic volumes, the setback exception is not likely to impact future circulation.
3. As pointed out in 2. above, the setback exception is not predicted to have a negative effect on vehicle, pedestrian, or cyclist safety.
4. Public Works has no objections to the setback exception.

Terry E. Smith P.E.

Senior Engineer

County of Siskiyou

Department of Public Works

1312 Fairlane Road, Suite 3

Yreka, CA 96097

Office: (530) 842-8278

Fax: (530) 842-8288

tesmith@co.siskiyou.ca.us

5.

From: Rachel Jereb <rjereb@co.siskiyou.ca.us>
Sent: Wednesday, October 9, 2024 8:01 AM
To: Thomas Deany <tdeany@co.siskiyou.ca.us>
Cc: Terry E. Smith <tesmith@co.siskiyou.ca.us>; Jeremy Lipke <jlipke@co.siskiyou.ca.us>; Glenn Njaa <gnjaa@co.siskiyou.ca.us>
Subject: SP2404 - Pine Place Road (8C003) Setback Exception

Hi Tom,

A setback exception request is being considered for Pine Place Road in Happy Camp. SCC Section 10-3.03 allows for exceptions upon approval of the Planning Commission and BOS. Please note that the request is only for the 50' centerline of the established right of way and is not an exception to the 20' from the property line facing the roadway. Additionally, it is only an exception request for Pine Place Road. There is no modification to the setback of Indian Creek

Road (7C01) proposed as part of this project.

Pine Place Road is a 40' wide public road within the Indian Creek Subdivision. The 50' centerline setback encroaches 30' into the properties instead of the typical 20' as it would if it were a 60' wide road. The neighborhood was completely destroyed during the Slater Fire and we are finding that some of the smaller properties could use the extra 10'.

Please provide comments regarding the following:

- If Pine Place Court will likely be expanded in the future.
- If an exception to the setback requirement will be detrimental to future circulation in the County.
- If an exception to the setback requirement will result in any hazards regarding vehicular, pedestrian, or cyclist safety.
- Additionally, please comment if Public Works has any objections to this project.

The Indian Creek Subdivision map is attached for your reference.

Rachel Jereb
Senior Planner
806 S. Main Street
Yreka, CA 96097

The undersigned do hereby certify that they are the owners of all the lands delineated and embraced within the blue lines upon the herein embodied final map; that they have caused said map to be prepared for record and consent to the preparation and recordation of said map; that said map particularly sets forth and describes all parcels of land reserved for public purposes; that all said parcels of land so reserved for public purposes are intended for the uses designated on said final map.

And the undersigned do hereby dedicate the parcels of land so designated and embraced within the blue lines upon said final map to the public.

Emma E. Hall
Aubrey A. Hall
Charles A. Hall
Collen Hall

I, the undersigned, do hereby certify that I am the Registered Civil Engineer responsible for the survey from which the herein embodied final map has been prepared and that I am responsible for said final map; that said survey is true and complete as shown; that the monuments are or will be of the character and in the positions indicated on this map and are sufficient to enable the survey to be retraced.



Oscar J. Piemme
Registered Civil Engineer in the State of California - Certificate No. 8433

State of California
County of Siskiyou
On this 18th day of June, 1956, before me Maguerite Thompson a notary public in and for the County of Siskiyou, State of California, residing therein, duly commissioned and sworn, personally appeared Emma E. Hall, Aubrey A. Hall, and Charles A. Hall, Collen Hall, known to me to be the persons described in and that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Siskiyou, the day and year in this certificate above written.

My Commission Expires Oct 3, 1959
Maguerite Thompson
Notary Public in and for the County of Siskiyou, State of California

State of California
County of Siskiyou
I, R. G. Isaacs, County Tax Collector for the County of Siskiyou, State of California, do hereby certify that there are no liens for unpaid State or County Taxes, except taxes not yet payable, against any part or parcel of the lands delineated and embraced within the blue lines upon the herein embodied final map.

I estimate the amount of taxes and assessments which are a lien but not yet payable to be \$ None.
Dated this 15 day of May, 1956

R. G. Isaacs
Tax Collector of the County of Siskiyou, State of California

State of California
County of Siskiyou
I, the undersigned, do hereby certify that the maps of this subdivision conforms to the action taken on the tentative map thereof by the Siskiyou County Planning Commission on the 11th day of May, 1955

Gene H. Johnson
Secretary of the Planning Commission
County of Siskiyou, State of Calif.

State of California
County of Siskiyou
I, Albert F. Parrott, County Surveyor of the County of Siskiyou, State of California, do hereby certify that I have examined the herein embodied final map and that the subdivision shown on said map is substantially the same as said subdivision appeared on the tentative map and any approved alterations thereof; that all provisions of the Subdivision Map Act of the State of California and any Amendments thereto, and any local ordinances applicable at the time of the approval of said tentative map have been complied with; and I am satisfied that said map is technically correct.

Albert F. Parrott
County Surveyor of Siskiyou County
State of California

State of California
County of Siskiyou
I, Waldo J. Smith, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Siskiyou, State of California, do hereby certify that the herein embodied final map was presented to the Board of Supervisors as provided by law at a regular meeting thereof, held on the 11th day of February, 1957, and that said Board of Supervisors did thereupon by Resolution No. _____

duly passed and adopted at said meeting approve said map and on behalf of the public accept all parcels offered for dedication for public use in conformity with the terms of the offer of dedication.

I further certify that a bond in the sum of \$ None with sufficient surety as is required by law was duly executed and filed with said Board, the terms of which were made to inure to the benefit of the County of Siskiyou, State of California and conditional upon the payment of all State, County, Municipal, and local taxes and special assessments collected as taxes which at the time said map is recorded are a lien against said property or any part thereof, but not yet payable, and was duly approved by said Board in the said amount and surety thereon.

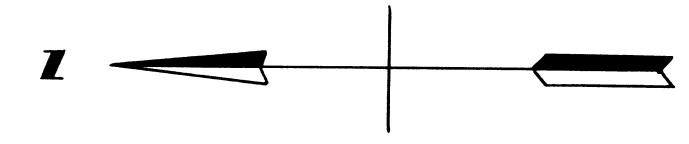
IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of February, 1957

Waldo J. Smith
County Clerk and Ex-officio Clerk of the Board of Supervisors, County of Siskiyou, State of California

By _____
Deputy County Clerk

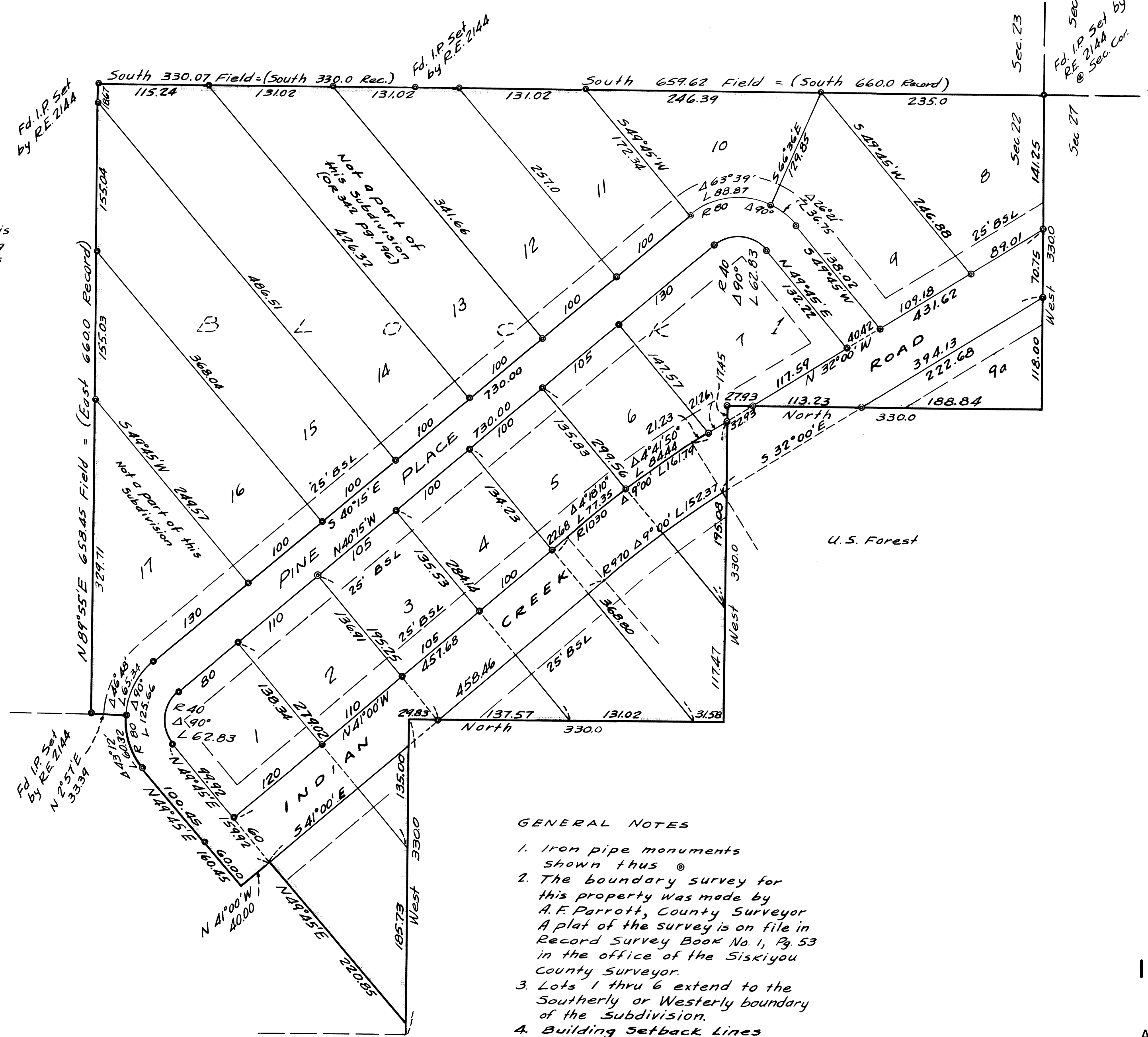
4985
Recorded at the request of the Siskiyou County Abstract Co. at 55 minutes past 9 A.M. on the 15th day of February, 1957 in the office of the County Recorder of the County of Siskiyou, State of California. TOWN MAP BOOK # 3, Page 1 and Page 1-A.
FEE 5⁰⁰ Paid Gene H. Johnson, Raymond L. Lan
County Recorder of the County of Siskiyou, State of California

**INDIAN CREEK
SUBDIVISION**
A PORTION OF SECTION 22
T17N, R7E, H.M.
SISKIYOU COUNTY, CALIF.
Oscar J. Piemme Civil Engineer
Certificate No. 8433
Sheet No. 3 of 8



Basis of Bearings for this survey is the record bearing of the East Boundary of this tract.

U. S. Forest



- GENERAL NOTES
1. Iron pipe monuments shown thus \odot
 2. The boundary survey for this property was made by A. F. Parrott, County Surveyor. A plat of the survey is on file in Record Survey Book No. 1, Pg. 53 in the office of the Siskiyou County Surveyor.
 3. Lots 1 thru 6 extend to the Southerly or Westerly boundary of the Subdivision.
 4. Building Setback Lines shown thus BSL

INDIAN CREEK SUBDIVISION

A PORTION OF SECTION 22
 T17N, R7E, H.M.
 SISKIYOU COUNTY, CALIF.
 Date: June 1955 Scale: 1" = 80'
 Oscar J. Piemme Civil Engineer
 Certificate No. 8433
 Sheet No. 2 of 2