



**Siskiyou County
Planning Commission Staff Report
September 18, 2024**

**New Business Agenda Item No. 1
Shasta Way (2M082) Road Abandonment (RA-24-01)**

Applicant: Monte Shasta Mutual Water Company

Property Owners: Siskiyou County Roads Department
1312 Fairlane Road
Yreka, CA 96097

Project Summary The applicant is requesting approval of the following:

- General Plan conformity determination regarding a proposed abandonment of a portion of Shasta Way (County Road 2M082) by Board Resolution 86-273 on July 9, 1986.

Location: The project site is located in a portion of the northwest quarter of Section 14, Township 40N, Range 4W, Section 14, M.D.M; APN: 037-340-500

General Plan: Building Foundation Limitations, Wildfire Hazard, Woodland Productivity

Zoning: Rural Residential Agricultural, one-acre minimum parcel size (R-R-B-1)

Exhibits:

- A. Draft Resolution PC 2024-023
A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Board of Supervisors Approve the Road Abandonment (RA-24-01) – Shasta Way (2M082)
A-1. Recommended Findings
- B. Draft Resolution PC 2024-025
A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Board of Supervisors Deny the Road Abandonment (RA-24-01) – Shasta Way (2M082)
A-1. Recommended Findings
- C. California Streets and Highway Code (Sections 8300-8362) for Road Abandonment

Background

The project is a proposed abandonment of a portion of a Siskiyou County Road named Shasta Way (County Road 2M082), named by Board Resolution 86-273 on July 9, 1986. The public hearing for this project was originally scheduled and noticed for the August 21, 2024, Planning Commission meeting, where it was continued without being heard to the September 18, 2024, Planning Commission meeting. The proposed purpose of this road abandonment is so that Monte Shasta Mutual Water Company may utilize the land to install a solar array to offset electricity costs for the water pumping system that serves the subdivision's 45 residents.

The area proposed for abandonment is an unpaved portion of road approximately 0.02 miles in length. The property was deeded to the County on July 11, 1986 (Document No. 1986-0008011). This 0.02 miles of roadway was recently dropped from the maintained mileage system on May 27, 2024, via Board of Supervisors Resolution 24-78.

Shasta Way was originally named by Board Resolution 86-273 on July 9, 1986. The road currently serves the Mont Shasta Subdivision in the community of Mount Shasta. However, this portion of road to be vacated is a dead-end road and no motorized vehicles utilize it to access adjacent properties. There is a well-used pedestrian and bicycle path entering from Shasta Way, running south along the unimproved portion of Monroe Drive, which is held via fee title along with the rest of the roads in the subdivision. The grant deed states that the portion of RSB 2, pages 125 and 125-A described as, 'Lotus Lane, Shasta Way, Alpine Drive, and a "Reserved for Future Road" strip along the Westerly subdivision boundary'. It is the 'Reserved for Future Road' that is labeled as Monroe Drive. The portion of Monroe Drive that is west of APN 037-350-020 was mapped in TMB 2 Pg 37-A as a "Monroe Drive (County Road)" with a note that states, "Reserved for Future Road", but it doesn't appear that the County ever took ownership of that portion. Instead, it was transferred from a private owner to another private owner, who is the adjacent property owner of APN 037-350-020. It is possible that that portion which is privately owned has an easement.

No above-ground utilities are present. An Underground Service Alert (USA) Utility Locate has not yet been completed. It has been indicated that the following utility companies may have underground utilities within that portion of roadway:

- AT&T Distribution- California
- Northland Cable TV- Mt. Shasta
- Pacific Power & Light Company- Yreka
- Monte Shasta Mutual Water Company- Mt. Shasta

A preliminary title report has not been provided to determine if the portion of road proposed to be vacated is encumbered by any easements of record. Given the fact that this road lies within a subdivision, private unrecorded easements likely exist.

The Siskiyou County Board of Supervisors will ultimately determine whether to approve the proposed road abandonment. However, pursuant to Government Code Section 65402, the Planning Commission must first review the proposed road abandonment for consistency with the General Plan and make a recommendation to the Board. Additionally, for the Board of Supervisors to approve the proposed vacation of right-of-way, specific findings are required pursuant to Sections 892 and 8324 of the California Streets and Highways Code. In order to make these findings, the Board of Supervisors must determine whether the undeveloped right-of-way is useful as a non-motorized transportation facility and whether the undeveloped right-of-way is necessary for any present or prospective public use.



Figure 1: Project Location



Figure 2: Portion of Road to be Abandoned

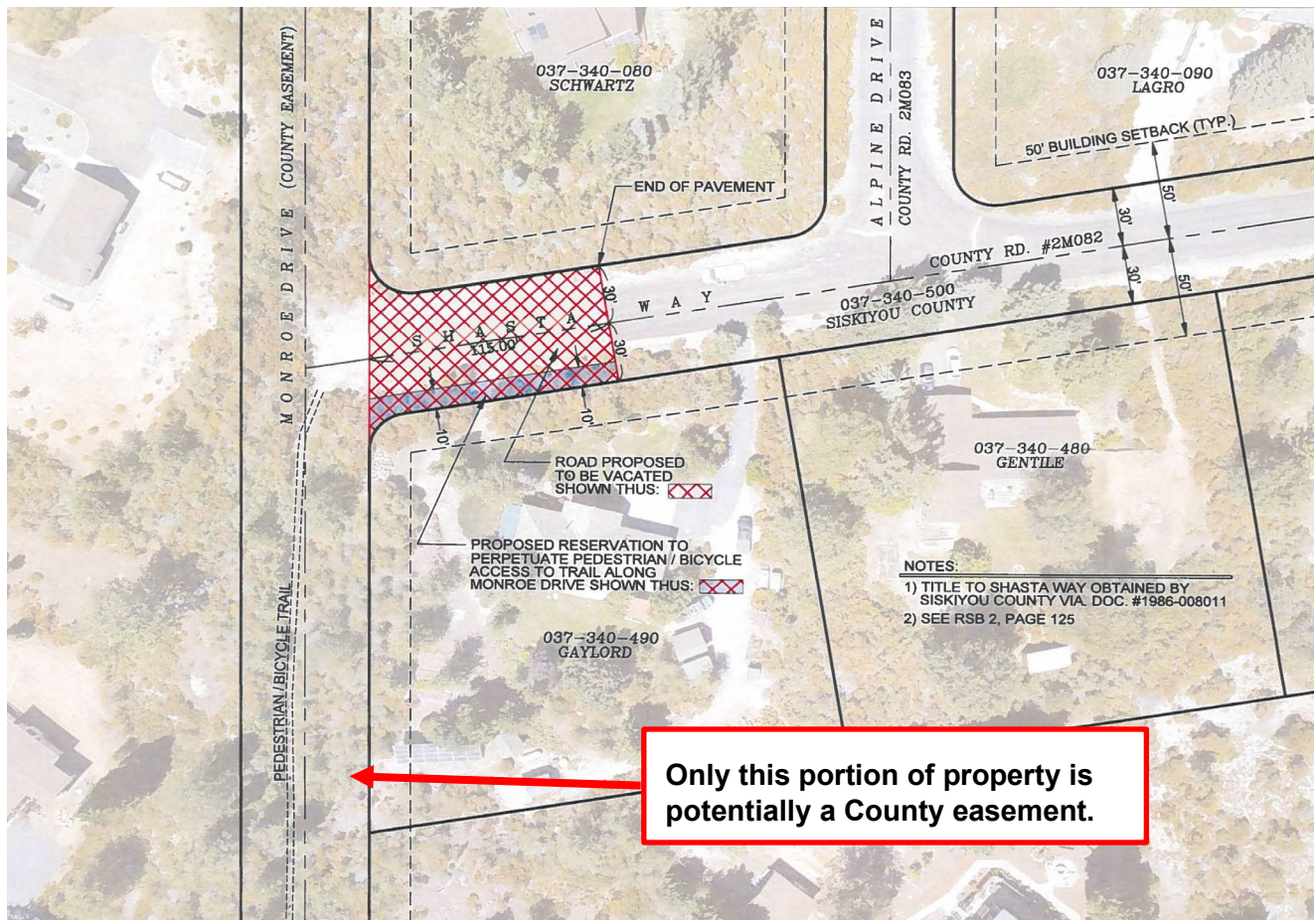


Figure 3: Exhibit Map from Public Works

Analysis

Staff has evaluated the Siskiyou County General Plan relative to the proposed road abandonment and has determined that the project does not conflict with the General Plan. However, this abandonment conflicts with the Zoning Code.

The Land Use Element of the Siskiyou County General Plan identifies the project site as being within the mapped resource overlay areas for Building Foundation Limitations, Wildfire Hazard, and Woodland Productivity. In addition, Planning staff has identified that Composite Overall Policies 41.9, and 41.18 apply to the proposed project.

In addition, staff has evaluated the proposed road abandonment relative to the findings required pursuant to California Streets and Highways Code Sections 8313 (a), 8313, and 8324 and found that the abandonment can either potentially be approved or denied, depending on how the Commission views the findings. The proposed road abandonment is useful for pedestrians and bicyclists. However, the County is proposing for a portion of the easement to be reserved for bicycles and pedestrians to preserve access to a nearby trail in order to meet this finding. The Commission may view that this will be considered necessary (or unnecessary) for present or prospective use, as stated in Finding #3.

Analyzing the County's Zoning Code in relation to a road abandonment is not required. However, should the road abandonment be approved, the land associated with the abandonment will create an undevelopable lot (though, a legislative body may sell the property as provided under Streets and Highways Code Section 8356). Public Works is proposing for a portion of the easement to be reserved for bicycles and pedestrians to preserve access to a nearby trail. This potential reservation would help make the required findings for bicycles and pedestrian access contained in Exhibit A-1.

The recommended findings are detailed in Exhibit A-1 attached to this staff report and are submitted for the Commission's review, consideration, and approval.

Comments

A Notice of Public Hearing was published in the Siskiyou Daily News on August 7, 2024, and mailed to property owners within 300 feet of the subject property. No public comments were received at the time this staff report was written. Additionally, pursuant to Section 8323 of the Streets and Highways Code, a Notice of Intention to Vacate and Public Hearing was posted on the road on September 3, 2024.

Siskiyou County Roads Department

The Public Works Department is waiting to determine several items, such as who will be given the portion of road to be abandoned. All these items are with County Counsel.

Environmental Review

The proposed road abandonment is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines under the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no potential for the proposed road abandonment to have a significant effect on the environment, staff is recommending the "common sense exemption" be adopted in accordance with Section 15061(b)(3) of the CEQA Guidelines. As such, the Board of Supervisors

would need to adopt the common sense exemption prior to approving the proposed Road Abandonment (RA-24-01) – Shasta Way.

The proposed CEQA exemption must be considered together with any comments received during the public review process. Further, the exemption can only be approved if the finding is made, based on the whole record before it, that there is not substantial evidence that there are unusual circumstances (including future activities) which might reasonably result in the project having a significant effect on the environment.

Planning Staff Recommendations

Adopt Resolution PC 2024-023 taking the following actions:

- Recommend the Board of Supervisors approve the proposed road abandonment (RA-24-01) based on the recommended findings; and
- Recommend the Board of Supervisors determine the project exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines.

Adopt Resolution PC 2024-025 taking the following actions:

- Recommend the Board of Supervisors deny the proposed road abandonment (RA-24-01) based on the recommended findings; and
- Recommend the Board of Supervisors determine the project exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines.

Preparation

Prepared by the Siskiyou County Planning Division.

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

Hailey Lang, Planning Director
Siskiyou County Planning Division
806 S. Main Street
Yreka, CA 96097

Resolution PC 2024-023

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending the Board of Supervisors Approve the Shasta Way (2M082) Road Abandonment (RA-24-01)

Whereas, pursuant to Government Code Section 65402, the Planning Commission must first review the proposed road abandonment for consistency with the General Plan and make a recommendation to the Board; and

Whereas, the County of Siskiyou wishes to vacate a certain undeveloped street, as named by the Board of Supervisors Resolution 86-273 on July 9, 1986; and

Whereas, the undeveloped right-of-way that is proposed to be vacated includes Shasta Way (2M082); and

Whereas, the Planning Division presented its oral and written staff report on the proposed Shasta Way (2M082) Road Abandonment (RA-24-01) at a regular meeting of the Planning Commission on September 18, 2024; and

Whereas, the Planning Division recommended road abandonment RA-24-01 be considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15601(b)(3) of the CEQA Guidelines because it can be seen with certainty that there would not be any significant impacts to the environment resulting from the project; and

Whereas, the Planning Division recommended approval of road abandonment RA-24-01 subject to the findings contained in Exhibit A-1 to the written staff report; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on August 7, 2024; and

Whereas, a Notice of Intention to Vacate and the Public Hearing was posted on Shasta Way pursuant to Section 8323 of the Streets and Highways Code on September 3, 2024; and

Whereas, on September 18, 2024, the Chair of the Planning Commission opened the duly noticed public hearing on road abandonment RA-24-01 to receive testimony, both oral and written, following which the Chair closed the public hearing, and the Commission discussed road abandonment RA-24-01 prior to reaching its decision.

Now, Therefore, Be It Resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A of the written staff report; and

Be It Further Resolved that the Planning Commission recommends the Board of Supervisors adopt the "common sense exemption" from CEQA and that the Board of Supervisors approve the proposed Shasta Way (2M082) Road Abandonment (RA-24-01).

It Is Hereby Certified that the foregoing Resolution PC 2024-023 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at the regular meeting of the Siskiyou County Planning Commission held on the 18th day of September 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SISKIYOU COUNTY PLANNING COMMISSION

Jeff Fowle, Chair

WITNESS, my hand and seal this 18th day of September 2024.

Hailey Lang, Secretary of the Commission

Findings

General Plan Consistency Findings

Composite Overall Policies

Policy 41.9 - Buildable, safe access must exist to all proposed uses of land. The access must also be adequate to accommodate the immediate and cumulative traffic impacts of the proposed development.

The proposed roadway abandonment will not impede any developable land surrounding the road to be vacated.

Policy 41.18 – Conformance with all policies in the Land Use Element shall be provided, documented, and demonstrated before the County may make a decision on any proposed development.

Staff has reviewed all Land Use Element policies and has determined that the proposed conforms to the General Plan.

Map 3: Building Foundation Limitations

Policy 8 – Enforce building construction standards (Uniform Building Code) and public works requirements.

No building is proposed as part of this project.

Map 10: Wildfire Hazard

Policy 30 – All development proposed within a wildfire hazard area shall be designed to provide safe ingress, egress, and have an adequate water supply for fire suppression purposes in accordance with the degree of wildfire hazard.

No building is proposed as part of this project.

Map 11: Woodland Productivity

Policy 31 – The minimum parcel size shall be one acre on 0-15% slope, and 5 acres on 16-29% slope.

No new parcels are proposed to be created as part of this project.

Policy 32 – Single family residential, light commercial, light industrial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted. The permitted uses will not create erosion or sedimentation problems.

The permitted density will not create erosion of sedimentation problems.

Policy 33 – All land uses and densities shall be designed so as not to destroy timber productivity on large parcels of high suitability woodland soils. (Class I and II.)

No new parcels are proposed as part of this project.

California Environmental Quality Act Findings

1. Pursuant to CEQA Guidelines, Section 15061(b)(3), because there is not substantial evidence, in light of the whole record before the County, that the project would have a significant effect on the environment, this road abandonment project is exempt pursuant to the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines.
2. The Planning Commission has reviewed and considered the proposed project, and all comments submitted and has determined that the record, as a whole, demonstrates that there is no evidence that the proposed project will have an individually or cumulatively significant effect.
3. The Planning Commission has determined that the custodian of all documents and material which constitute the record of proceedings shall rest with the County of Siskiyou Community Development Department.

California Streets and Highways Code (SHC) Road Abandonment Findings

1. Road abandonment does not conflict with the General Plan (SHC Section 8313 [a]).

The proposed road abandonment meets the policies contained in the General Plan.

2. The right-of-way is not useful for pedestrians, bicyclists or equestrians (SHC Section 8314).

The proposed road abandonment is useful for pedestrians, the County is proposing for a portion of the easement to be reserved for bicycles and pedestrians to preserve access to a nearby trail in order to meet this finding.

3. The road is unnecessary for present or prospective public use (SHC Section 8324).

The proposed road abandonment is unnecessary for present or prospective public use.

Resolution PC 2024-025

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending the Board of Supervisors Deny the Shasta Way (2M082) Road Abandonment (RA-24-01)

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Now, Therefore, Be It Resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A of the written staff report; and

Be It Further Resolved that the Planning Commission recommends the Board of Supervisors adopt the "common sense exemption" from CEQA and that the Board of Supervisors deny the proposed Shasta Way (2M082) Road Abandonment (RA-24-01).

It Is Hereby Certified that the foregoing Resolution PC 2024-025 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at the regular meeting of the Siskiyou County Planning Commission held on the 18th day of September 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SISKIYOU COUNTY PLANNING COMMISSION

Jeff Fowle, Chair

WITNESS, my hand and seal this 18th day of September 2024.

Hailey Lang, Secretary of the Commission

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Staff has reviewed all Land Use Element policies and has determined that the proposed conforms to the General Plan.

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2. The Planning Commission has reviewed and considered the proposed project, and all comments submitted and has determined that the record, as a whole, demonstrates that there is no evidence that the proposed project will have an individually or cumulatively significant effect.
3. The Planning Commission has determined that the custodian of all documents and material which constitute the record of proceedings shall rest with the County of Siskiyou Community Development Department.

California Streets and Highways Code (SHC) Road Abandonment Findings

1. Road abandonment does not conflict with the General Plan (SHC Section 8313 [a]).

The proposed road abandonment meets the policies contained in the General Plan.

2. The right-of-way is not useful for pedestrians, bicyclists or equestrians (SHC Section 8314).

The proposed road abandonment is useful for pedestrians, the County is proposing for a portion of the easement to be reserved for bicycles and pedestrians to preserve access to a nearby trail in order to meet this finding.

3. The road is unnecessary for present or prospective public use (SHC Section 8324).

The proposed road abandonment is potentially necessary for present or prospective public use.

ROAD ABANDONMENT PROCEDURES

The law governing road abandonment is located in the Public Streets, Highways, and Service Easements Vacation Law (Streets and Highways Code Sections 8300-8363). Requests for abandonment are directed to the Public Works Department, who then handle the proceedings. The standard procedure for abandoning roads is summarized as follows:

1. A report is prepared for Planning Commission review and recommendation. The Commission must report on the abandonment's conformity to the General Plan, as outlined in item 4 below. This may include inspection of Title Reports (not required), detailed maps, and a field inspection to verify the affected properties. These items are provided by Public Works. The Commission then forwards their recommendation to the Board of Supervisors (Government Code Section 65402 - Planning and Zoning Law) & (Section 8313[b]). Note: may be categorically exempt project - CEQA Section 15061(b)(3).
2. The Board of Supervisors must pass a Resolution of Intention to Vacate the road (Section 8320).
3. A Notice of Intention to Vacate and Public Hearing must be published and the road posted (Section 8322-8323).
4. A public hearing must be held to determine the following:
 - a) Road abandonment does not conflict with the General Plan (Section 8313 [a]).
 - b) The right-of-way is not useful for pedestrians, bicyclists, or equestrians (Section 8314).
 - c) The road is unnecessary for present or prospective public use (Section 8324).
5. If the Board makes all of the required findings, it may pass a resolution abandoning the road. The resolution may make the abandonment conditional (Section 8324).
6. The Board may reserve from the abandonment, an easement or right-of-way for public utilities or future rights-of-way (Section 8340).
7. The resolution is then recorded without acknowledgment.

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