

**Siskiyou County Planning Commission
Regular Meeting
September 18, 2024**

The Siskiyou County Planning Commission meeting of September 18, 2024, was called to order by Chair Fowle at approximately 9:00 a.m. in the Board of Supervisors Chambers, 311 Fourth Street, 2nd Floor, Yreka, California.

Present: Commissioners Hart, Melo, Lindler, Veale and Fowle

Absent:

Also Present: Rick Dean, Community Development Department Director; Hailey Lang, Deputy Director of Planning; Bernadette Cizin, Associate Planner; William Carroll, Assistant County Counsel; Janine Rowe, Commission Clerk

Minutes: The Clerk informed the Commission that the correct adjournment time for the August 21, 2024, Minutes should be 10:04 a.m. It was moved by Commissioner Melo, seconded by Commissioner Veale, to approve the corrected Minutes from the August 21, 2024, Planning Commission meeting with Commissioner Hart abstaining since he was absent from the August meeting.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present.

Unscheduled Appearances: None

Conflict of Interest Declaration: Commissioner Lindler said she had a past business relationship with Gaylord Briggs, the project proponent for the Monte Shasta Mutual Water Company Road Abandonment project, but she has no financial conflict of interest.

Commissioner Hart asked Assistant County Counsel William Carroll whether he should recuse himself from the Use Permit Revocation project since he is a pit operator, and Mr. Carroll advised that because he does not have a direct business relationship with the McLaughlin Pit, he would not have a conflict of interest.

Presentation of Documents: The Chair instructed members of the public that were present for the meeting to provide the Commission Clerk with any documents they wanted to present to the Commission.

Availability of Public Records: The Chair referred to the Agenda and noted that public records are available upon request.

Public Hearing Protocol: The Chair advised those present at the meeting that the Public Hearing protocol is outlined in the Agenda.

Right of Appeal Statement: The Chair read the Right of Appeal Statement.

Changes to the Agenda: None

New Business:

Agenda Item 1: Monte Shasta Mutual Water Company / Siskiyou County Road Department Road Abandonment (UP-RA-01) / Categorically Exempt

General Plan conformity determination regarding a proposed abandonment of a portion of Shasta Way (County Road 2MO82) by Board Resolution 86-273 on July 9, 1986. Prior to the Board of

Supervisors considering the proposed abandonment, the Planning Commission will review the proposal in order to make a recommendation to the Board. This portion of roadway 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.

**Categorically Exempt
Road Abandonment**

**Continued to a Date Uncertain
Continued to a Date Uncertain**

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Lang.

Ms. Lang told the Commission that the project involved a General Plan determination for a potential roadway abandonment, and there are three findings that the Planning Commission must make.

She said the roadway being potentially abandoned is about 115 linear feet at the end of Shasta Way located in the Monte Shasta Subdivision outside the city of Mount Shasta. The project applicant's intent is to build a solar array at the location to be used by the Monte Shasta Mutual Water Company. She said Siskiyou County Public Works received the request a few years ago.

She said the Planning Commission must make the following findings, and the Planning Commission's findings will be elevated to the Board of Supervisors to make the same determinations:

1. The potential roadway abandonment conforms to the General Plan.
2. The right of way is not usable for pedestrian, bicyclists, or equestrians.
3. The road is unnecessary for present or prospective public use.

Ms. Lang said the staff report includes both an approval recommendation and a denial recommendation.

Ms. Lang told the Commission that there are no policies that conflict with the General Plan for this specific abandonment.

As far as Finding 2 is concerned, she said the easement to the west, Monroe Drive, is a County easement that people in the neighborhood use to access Shasta Way for bicycle and pedestrian use.

Ms. Lang said Finding 3, depending on interpretation, could go both ways depending on how prospective public use is defined since there is a formal County easement.

Ms. Lang told the Commission that Tom Deany, Deputy Director of Public Works, was present to answer questions.

Ms. Lang pointed out that should the roadway abandonment be recommended for approval at the Board of Supervisors level, it would create an undevelopable lot so that portion of land would have to be deeded over to one of the property owners because it might become an issue in the future. She said she believed Director Deany was on board with that.

Commission Questions:

Commissioner Veale asked if staff received any public comments, and Ms. Lang said after notice was mailed to adjacent property owners, two property owners wanted to know what the project was about but they did not submit written comments. She added that as required by the Streets and Highway code, notice was posted at the road two weeks prior to this hearing and no comments were received.

Agency Input:

Tom Deany, Director of Public Works, said before he started working for the County an encroachment was issued allowing this project to go ahead, so the water company had some cash outlay thinking they had obtained the required permission to do their project. Mr. Deany said the Planning Division rejected the project because an encroachment would not work for this type of project and that the encroachment permit should not have been issued.

However, Mr. Deany said he is in support of the project because he believes that if someone gets permission from the County to move forward, they should be able to do it as long as there is a way to surrender the property once it is given up.

Commissioner Melo asked Mr. Deany how the property would be divided, and Mr. Deany said County Counsel would help make that determination.

The Chair opened the Public Hearing.

Public Comments: None

There being no comments, the Chair closed the Public Hearing.

Commission Questions/Discussion:

A lengthy discussion was held regarding various scenarios should the roadway be abandoned. The Commission was concerned that because the portion of Shasta Way proposing to be abandoned has access to Monroe Drive, which is a County easement, and anyone using the path would be trespassing. Ms. Lang said that Public Works is in support of establishing some sort of bicycle/pedestrian easement should the road be abandoned so that portion of the road could still be accessed.

Mr. Carroll said if the project becomes a real property deal, it would normally rest with the County Administrator's office with assistance from County Counsel, but there is currently nothing pending regarding an actual agreement or deal. He suggested that the road abandonment not be approved unless and until there is agreement to complete this project. Mr. Carroll suggested that the Planning Commission make it a condition that the road abandonment would not occur if no agreement to transfer the property is made.

Commissioner Hart pointed out that as the roadway stands now, it creates a problem for the County in case someone gets hurt. Mr. Deany agreed and said unfortunately it is an issue all over the county, and Public Works is working on getting those issues resolved.

Discussion was held that since the County does not have an official policy, the California Streets and Highways Code is the policy that has to be followed.

Discussion was held that should the subject portion of Shasta Way be abandoned by the County, it would have to be sold either to the property owner to the north or the property owner to the south who would then have to do a boundary line adjustment to absorb it into their existing property.

The Commission asked whether the subject portion of Shasta Way would have to go out for public bid if it were abandoned. Mr. Carroll said the Streets and Highways code contains a special section that provides that property owned by a public entity can go to whoever the adjoining owner is and doesn't require a public bid process. He said he did not see a legal issue with abandoning the road or an issue with disposing of the property.

Mr. Gaylord Briggs of Mount Shasta, the project applicant, asked to address the Commission. He said he owns the parcel immediately adjacent to and south of the portion of Shasta Way proposing to be abandoned, and he would be interested in acquiring that property for the benefit of the water company if that is the method the County/Planning Commission wants. Mr. Briggs said he is the treasurer of the water company, which is a mutual water company, and all the property owners in the subdivision have a share.

Mr. Briggs told the Commission that the property owners on Monroe Drive submitted a request to the County a while ago expressing interest in receiving their adjoining segment of Monroe Drive should it be abandoned. He said Monroe Drive was never developed and does not exit out to Shasta Acres or Monroe Drive and that Monroe Drive stops at the southern border of his parcel.

Discussion was held that Public Works recommended a bicycle and pedestrian easement be put in place should the road abandonment be approved because people in the neighborhood use it as a trail.

After a lengthy discussion, the Commission ultimately decided that it would be more efficient and there would be less risk of legal liability to the County to send the project back to Public Works and Planning staff to facilitate the transfer of ownership of the 115 feet of Shasta Way, proceed with the abandonment process, and then move it on to the Board of Supervisors.

Motion: Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Hart, to postpone the Monte Shasta Mutual Water Company Road Abandonment project (UP-RA-01) to a date uncertain and return the project to staff, and directed the Siskiyou County Administrator to make the project a priority.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present.

Agenda Item 2: Use Permit Revocation (SP-24-02) / Categorically Exempt

This public hearing is intended to carry out the requirements identified in Article 14 - Expiration, Revocation, and Appeals of Permits and Variances within the Siskiyou County Municipal Code, in order to revoke the Use Permit associated with closed and inactive Surface Mines throughout the county. The activity allowed under these Use Permits includes the operation of surface mines to extract aggregate. The surface mine sites are located in the unincorporated area of Siskiyou County.

2.4. McLaughlin Pit is located west of Moffett Creek and the city of Fort Jones on Light Hill Road, on APNs 024-040-220 and 024-040-320; Township 43N, Range 9W, Section 3, MDB&M (Latitude 41°36'19" N, Longitude 122°51'51" W).

The McLaughlin Pit has officially been deemed reclaimed in accordance with the approved reclamation plan and the Use Permit has expired by its own terms. To formalize the termination of the Use Permit, staff is recommending the corresponding use permit be revoked in accordance with Siskiyou County Code Section 10-6.1402 as noted in the Use Permit the permit is automatically terminated if not used for one year once established.

**Categorically Exempt
Use Permit**

**Recommending Adoption
Recommending Revocation**

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Cizin.

Ms. Cizin reminded the Commission that in order to clean up the County's records and officially close the files for several mines throughout the County, staff has recommended that the corresponding land use permits be officially revoked. She said because conditional land use permits run with the land and in order to properly close the file, the permit should be officially revoked. County code requires that the Planning Commission provide a recommendation of the revocation to the Board of Supervisors who will then consider and potentially adopt a resolution to officially revoke the land use permit.

Ms. Cizin told the Commission that McLaughlin Quarry land use permit (UP-82-23) was approved by the Planning Commission on August 18, 1982, mining activities ceased in 2008, and the site was deemed reclaimed in 2012. She said the use permit is no longer valid as it automatically terminated when not used for the approved purposes in excess of one year as noted on the permit.

Ms. Cizin said that in order to formalize the termination of the permit, staff recommended the Commission adopt the resolution recommending the Board of Supervisors find that UP-82-23 is no longer effective and that the Board of Supervisors revoke the use permit and determine the project exempt from CEQA pursuant to Section 15321, enforcement actions by regulatory agencies.

Agency Input: None

Commission Questions: None

The Chair opened the Public Hearing.

Public Comments: None

There being no comments, the Chair closed the Public Hearing.

Commission Discussion: None

Motion: Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Veale, to Adopt Resolution PC-2024-020, A Resolution of the Planning Commission of the County of Siskiyou, Recommending that the Siskiyou County Board of Supervisors Revoke the Use Permit of McLaughlin Quarry (UP-82-23), Make All Necessary Findings Required Under the Siskiyou County Municipal Code and Determine the Project Exempt from the California Environmental Quality Act (CEQA).

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present.

Items for Discussion/Direction:

Ongoing Staff Update Regarding the General Plan Update

Ongoing agenda item pertaining to the Siskiyou County 2050 General Plan Update. Staff will be providing an update on the project schedule, deliverables, and any other updates relating to this project.

Staff Report: Ms. Lang told the Commission that the joint meeting with the Board of Supervisors and Planning Commission will be on October 15, 2024. The discussion will be centered around the Vision and Guiding Principles as well as the community workshop and survey results.

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, October 16, 2024, at 9:00 a.m.

2. Correspondence: None

3. Staff Comments: None

- 4. Commission Comments:** Brief discussions were held regarding upcoming planning projects being delayed because of the lack of accurate project descriptions, Kidder Creek Orchard Camp fared well in the Shelly Fire because the fuel load surrounding the property was reduced, and the types of events that require special event use permits.

A lengthy discussion was held regarding the County's new well permitting process.

A discussion was held regarding the County recouping the cost for repairing Horn Lane after it was damaged by the US Forest Service fire camp while responding to the Shelly and Boise fires.

Adjournment: The meeting was concluded at approximately 10:23 a.m.

Respectfully submitted,

Hailey Lang, Secretary

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