

**Siskiyou County Planning Commission  
Regular Meeting  
November 15, 2023**

The Siskiyou County Planning Commission meeting of November 15, 2023, was called to order by Vice Chair Fowle at approximately 9:00 a.m. in the Board of Supervisors Chambers, 311 Fourth Street, 2<sup>nd</sup> Floor, Yreka, California.

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

**Absent:** Commissioner Lindler, Commission Clerk Janine Rowe

**Also Present:** Rick Dean, Director, Community Development Department; Hailey Lang, Deputy Director of Planning; Rachel Jereb, Senior Planner; John Ottenberg, Siskiyou County Code Enforcement Officer; Natalie Reed, County Counsel

**Minutes:** It was moved by Commissioner Melo, seconded by Commissioner Veale, to approve the Minutes from the September 20, 2023, Planning Commission meeting.

**Voted** upon and the Vice Chair declared the motion carried unanimously by those Commissioners present, with Commissioner Hart recusing himself because he was absent from that meeting.

**Unscheduled Appearances: None**

**Conflict of Interest Declaration: None**

**Presentation of Documents, Availability of Public Records, and Public Hearing**

**Protocol:** The Chair asked those members of the public attending the meeting to review these items on the Agenda.

**Rights of Appeal Statement:** The Chair directed those present to review the Right of Appeal Statement contained in the Agenda.

**Changes to the Agenda: None**

**New Business:**

**Agenda Item 1: Enloe Tentative Parcel Map (TPM-23-04 / Categorically Exempt**

The project is a proposed tentative parcel map to divide an existing approximately 125.6-acre parcel into two parcels of approximately 42.20 and 42.55 acres and a proposed remainder with 42.68 acres. The project site is zoned Prime Agricultural (AG-1) and Non-Prime Agricultural (AG-2-B-40). The project site is located at 10110 A-12, Montague, CA, Siskiyou County, Calif., on APN 020-010-450 Township 43N, Range 5W, Sections 1, M.D.M (Latitude 41.605, Longitude -122.367). The project site is developed with one residence on proposed Parcel 1 and one residence and a shop on proposed Parcel 2. The proposed Remainder Parcel is undeveloped.

**Categorically Exempt  
Tentative Parcel Map**

**Adopted  
Approved**

**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 applicant was requesting approval for a tentative parcel map to subdivide a 125.6-acre parcel into two parcels and a remainder parcel. The subject parcel is a legal parcel created as shown in the map entitled Parcel Map for Don Enloe filed on July 12, 1976, in Parcel Map Book 4, page 36. Proposed Parcels 1 and 2 are developed with single family residences as well as an existing shop on proposed Parcel 2. The proposed remainder parcel is undeveloped and has been verified to support a future on-site septic system.

Ms. Lang said the project is consistent with the General Plan as well as the Subdivision Map Act. Environmental Health provided comments that they wanted the on-site disposal systems to be recorded on the map which is included as Condition of Approval 5.

No public comments were received and staff determined that the project is exempt from CEQA pursuant to the common sense exemption.

At this point, Ms. Lang introduced Code Enforcement Officer John Ottenberg to give a presentation about a code enforcement case on the property, the history of the case, and where it currently stands.

Mr. Ottenberg told the Commission that he was instructed to inspect the property to make sure the previous owners were in compliance. Mr. Lynn Enloe held a Deed of Trust on the property purchased by Dean Moua, Pa Houa Vang, Pao Ge Yang and Adams Moua (hereinafter referred to as "Moua Family"). He proceeded to present a series of photographs depicting the conditions he observed while the Moua Family resided on the property.

At some point, the Moua Family defaulted on the loan so Lynn Enloe evicted them.

Discussions were held during Mr. Ottenberg's presentation regarding the chemicals found and how they were being dealt with and whether the water quality in the wells has been tested.

Discussion was held regarding what appeared to be material that was being removed and whether or not it was a permitted quarry or whether it was being cleared for a grow area. Mr. Ottenberg said he didn't see any indication of material being removed.

Mr. Ottenberg then presented photos depicting the abatement that was done by Lynn Enloe, the compliance abatement, and the final one showing the violations were sufficiently dealt with. Mr. Ottenberg told the Commission that Lynn Enloe gave consent to Code Enforcement to fly over the property with a drone for the purpose of documenting anything happening that is inconsistent with County Code.

Mr. Ottenberg said the Moua Family was still in the process of moving off the property so he would have to go back to the property to ensure everything had been cleaned up.

**Agency Input: None**

The Chair opened the Public Hearing.

**Public Comments:**

Mr. Donald Lynn Enloe of Montague spoke in support of the project. He said he was the original owner of the property and sold it to the Moua Family. Mr. Enloe said that the areas in question regarding extraction of material were the removal of juniper trees. He was not aware of any material being extracted from the property. He said that Doug Enloe ended up being the owner of the property when it was foreclosed.

Commissioner Fowle asked Mr. Enloe if Code Enforcement has been going to the property to ensure it is safe, and Mr. Enloe said when he got possession of the property he became aware of the code violations and has corrected the non-compliant issues.

Mr. Doug Enloe of Nipmo, California, the project proponent, spoke in support of the project. He said he now owns the property and has done everything he can to stop the hauling of water off the property.

Mr. Trevor Eastlick, the project representative, said when Lynn Enloe owned the property, there were no illegal activities happening on the property until the Moua Family purchased it.

Commissioner Fowle asked Mr. Eastlick whether some greenhouses that are showing up on satellite imagery are on the Enloe property. Mr. Eastlick said at the time he performed a survey a few years ago, they were not there. Discussion was held that they could have been built after the survey or that the property lines are not depicted correctly because the County's database is inaccurate.

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

### **Commission Discussion/Questions:**

Commissioner Fowle asked staff what determines whether a parcel is AG-1 or AG-2, and staff responded that it is soil type and potentially the size of the parcel.

Commissioner Fowle then wanted to know if the well on Parcel 1 labeled Well B is potable water and whether it has been tested, and staff said it is a permitted domestic well but the water is not tested for residential use. It is recommended that a bacteriological test be done.

Discussion was held regarding a designated well, Well A on Parcel 2, but the remainder parcel has no existing well. Mr. Dean said there is an Environmental Health determination that there is a high probability that water would be there. Mr. Lynn Enloe added that there is a Well C on an easement on Parcel 2 that goes to the remainder, but the County didn't have the final report yet.

Discussion was held regarding activities that took place on the property before Mr. Doug Enloe took ownership. Commissioner Fowle asked if there is a Condition of Approval requiring that the water is safe. Ms. Lang responded that based on CEQA and the common sense exemption, nothing new is being proposed other than the splitting of lines and nothing new is being proposed that would necessarily further exacerbate the current environment. She added that if there is something environmentally happening, that would be a separate issue.

Discussion was held that Code Enforcement citations run with the land and not the property owner. Siskiyou County Code Section 105.16 deals with the refusal to issue permits or other entitlements when there is a pending administrative or judicial action related to code enforcement.

Discussion was held that the property owner is responsible for cleanup of toxic substances that went into the soil. It would be a civil matter and would not prevent the Planning Commission from approving the project.

**Motion:** Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Hart, to Adopt Resolution PC 2023-017, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Enloe Tentative Parcel Map (TPM-23-04) and determining the project exempt from CEQA.

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

**Vice Chair Fowle called for a break at approximately 10:10 a.m.**

**The Vice Chair resumed the meeting at approximately 10:15 a.m.**

## **Items for Discussion/Direction:**

### **Ongoing Staff Update Regarding the General Plan Update**

This is an 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 provided the Commissioners with a memorandum from the consultants, Mintier Harnish, which included the discussion and comments from the joint Board of Supervisors and Planning Commission workshop as well as highlighted the background report preparation and update regarding the Technical Advisory Committee consisting of an internal group of County department heads. Ms. Lang said after staff reviews certain deliverables, those deliverables will then go to the TAC to provide comments and revisions before things are ready to be posted for public review or before they come before the Planning Commission. This memo was posted on the Siskiyou 2050 General Plan website and was sent out as an e-blast to the subscriber list of folks that have signed up through the website.

Commissioner Veale asked if there are any deficiencies in the current General Plan, and Ms. Lang said staff is working on a General Plan policy audit which includes going over housing elements that are being updated, discussions regarding whether or not the policies work, do they need to be reworded, etc. Those findings will be discussed with the consultants before being presented to the Planning Commission for recommendation, and if approved, it will be presented to the Board of Supervisors. The last step would be to send the updated General Plan to the State so they're aware of it.

## **Miscellaneous:**

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, December 20, 2023, at 9:00 a.m.
- 2. Correspondence: None**
- 3. Staff Comments:**

Mr. Dean told the Commissioners that the vacation rental ordinance would be coming back before the Planning Commission because counsel advised staff that per County Code, it should have been presented to the Commission in the form of an ordinance before going before the Board of Supervisors.

Mr. Dean informed the Commission that the Housing Element was approved by the Board of Supervisors and the well permitting guidelines were also addressed. The Board made a decision not to include an indemnification agreement as part of the well permitting process.

Discussion was held regarding the governor's order and the determinations it requires Environmental Health to make. The process would be to have a hydrogeologist submit a depletion report to achieve that. Mr. Dean said Dr. Foglia gave a presentation which discussed creating a permitting tool to develop matrices for each of the basins with the setback requirements for adjacent wells. They will basically be doing the modeling up front and providing distances in a matrix that won't impact adjacent wells so staff can issue those permits ministerially without going

through additional testing. If anything is in a sensitive area with the Public Trust Doctrine, it will require further analysis.

Discussion was held regarding water rights, protected species dependent on water, and provisions for well permitting under the Public Trust Doctrine.

Ms. Reed interjected and suggested that since the well program was not on the agenda, the conversation should not continue.

Discussion returned to the Board's decision on well permitting and that Dr. Foglia was asked to present a methodology for creating a well permitting decision making tool.

Commissioner Hart posed a hypothetical situation to counsel. He wanted to know if one were to come to an agreement with the agencies that they would leave all the water in the stream but because they are three miles from the stream, would it be possible to get an exemption to drill a well even though there is no guarantee there would be water.

#### **4. Commission Comments:**

Commissioner Fowle said he received phone calls from property owners regarding Williamson Act issues and asked staff to look into them.

Commissioner Fowle encouraged staff to participate in the State Water Resources Control Board phone calls regarding instream flow numbers.

**Adjournment:** The meeting was concluded at approximately 10:41 a.m.

Respectfully submitted,

Hailey Lang, Secretary