

Modoc County Planning Commission
Meeting Minutes
September 28, 2016

Roll Call: Commissioner Hays (Chair), Commissioner Laacke (Vice Chair), Commissioner Roberts, and Commissioner Huffman. Kim Hunter (Planning Director), Lori Galvin (Associate Planner), Cameron Channell (Associate Planner), Jackie Froeming (Executive Secretary); Patti Carpenter (Member of the Public), William Carpenter (Member of the Public).

Call to order

Meeting was called to order at 10:00 a.m. by Chair Hays

1. Approval of meeting minutes from July 27, 2016

Corrections to meeting minutes – the Commissioners recommend making minor edit changes which does not change content.

Motion to approve July 27, 2016 meeting minutes with the edits notated made by Commissioner Laacke, seconded by Commissioner Roberts. Unanimous.

2. Approval, Deletions or Modifications to the Agenda

Director Hunter: We had anticipated having a meeting October 26, 2016 and due to circumstances and the way our projects are running and comment periods. I would like to move that back to November 9, 2016. It will be the second Wednesday of the month. That will put us back on track without a meeting in October or December.

Commissioner Hays: Can we have a motion for approval with the addendum of changing the meeting date?

Motion to approve by Commissioner Roberts, seconded by Commissioner Laacke. Unanimous

3. Public Forum – no comments

4. Carpenter – Appeal of Planning Director’s Action (#2016-22): Property Owners Patti and Bill Carpenter are appealing a decision of the Planning Director regarding the denial of electrical service on two separate vacant lots (Assessor Parcel Numbers 024-460-38, 39). These lots are located west of State Route 395 in New Pine Creek, and are zoned Residential High Density (RH).

Director Hunter: Patti and Bill Carpenter own two vacant parcels in the Goose Lake Estate subdivision that is up right out of New Pine creek and would like to have electrical service permitted on one of those parcels for the purpose of landscaping. The zoning is high density residential and they are 1.8 acres each and adjacent. The general plan is rural residential. We have given you a basic overview in the staff report of the situation. The obvious intentions of the property owners are very positive unfortunately this goes against a basic policy and concepts of

our zoning ordinance. Staff very strongly does not recommend approval of this appeal because as staff we're in the office and we have to apply the code objectively and fairly. Two parcels owned in a high density residential neighborhood subdivision out of New Pine creek are of equal status and situation as two vacant parcels anywhere in our subdivisions in the county. We cannot as staff when a request for electrical comes in discriminate and take into consideration the intentions. So many times there are good intentions but they are not followed through and we simply cannot monitor those situations all across the county. So as a basic concept we do not address or allow electrical service to vacant high density residential parcels or any residential zoning. There are of course different situations with agricultural uses and various other commercial uses and situations but in residential uses especially in high density residential zones across the board objectively and indiscriminately there is a policy not to allow electrical.

Associate Planner Channell: There was a time when we used to issue an incremental electrical permit for this type of thing. They could get power to the property and start landscaping or doing whatever. It was actually a very vicious cycle of events. Nancy Ballard at OES was doing the addressing in the county. She would issue an address to just about anything. The power companies SVE and Pacific Power at the time did not require anything special from anyone except a physical address to energize a power and get a utility on the property. We were also in the same process of issuing incremental electrical permits. What this created was a huge problem of code compliance issues people living in RV's if they could get an address then they could get phone service, internet, TV. And set up camp at the time the community compliance committee was just overcome with problems. What ended up happening was we actually went through the process through Planning Commission and BOS and revoked the incremental electrical permit process. This no longer exists. Across the board it was agreed this was contributing to the problem. We took in the addressing in the planning department so we could oversee when and how those addresses were being assigned and sat down with both electric companies and got the process in order now they require proper permitting in order to energize electrical service. All this has greatly reduced the number of code compliance issues in the county. It hasn't kept people from squatting on property entirely but the full encampments with power and everything running to them that's been alleviated. As Kim mentioned back when we were doing that; we have some still that were good intentions, we issued those incremental electrical permits and to this day those intentions were never followed through. We can't discriminate against or for anybody simply based on their social status or good intentions. The policy is in place for a very good reason and for that reason as staff we have to recommend that this appeal be denied.

Commissioner Roberts: So you went through the full process commission, board, everyone to get this done? Correct

Associate Planner Channell: Yes, to remove that permitting process from the county's policy so that we can no longer issue those permits.

Commissioner Roberts: What I am getting to is that it was not arbitrary on the department's part.

Associate Planner Channell: No

Commissioner Hays: The applicant indicated that they are going to fence the property. Can they apply for a stock water permit and put animals in there?

Director Hunter: No, its residential zoning. High density residential zoning.

Commissioner Hays: but that does not preclude animals on the property.

Director Hunter: that is correct; the animal restriction overlay does apply. They are over an acre so they could have one large animal. I would have to look at the code on the animal restriction overlay to see exactly what they could do. They also indicated they were going to sell the properties once they were improved and also that they were going to merge the properties. There are a lot of indications of what is happening here. But to answer your question yes with the animal overlay they could do that.

Associate Planner Channell: that also comes back to the power side of things and even the animal side of things. This is an accessory use for the property. The primary use is residential so the primary use has to be met. If they had a house there then yes they would be allowed to have animals on the property. But it is not AG zoned ground it is not simply for grazing or keeping animals.

Commissioner Hays: But Kim indicated they can do that. What if they put a couple of goats for weed control? Obviously, they would have to have water for those animals.

Director Hunter: that is a very fine line we are walking.

Commissioner Roberts: The animal restriction section is our packet back in the zoning The AR zone shall by this reference overlay and combine with the RH zone in every area in which the RH zone is applied and the provisions of the AR zone shall apply in keeping animals in the RH zone. It does not prevent them having animals.

Director Hunter: When we're energizing power for stock water. I would be very uncomfortable doing that. In the sense we are energizing power for an accessory issue to the primary use which is only residential.

Commissioner Hays: People all over the county have goats in their backyard.

Director Hunter: In their backyard key point.

Commissioner Hays: I am saying that they may have a parcel of property that is 4 acres but they only built on one acre and the rest is fenced for animals.

Director Hunter: They built on one acre.

Associate Planner Channell: The primary use is met. The residence is there. The residential use is met which then all the accessory uses are allowed.

Commissioner Hays: What if it is a different parcel number?

Director Hunter: Good point often times if they are adjoining and I know such as places up in Modoc Record Estates where parcels are just for horses but they don't have power or in one case they had power there before in the old days. These things exist I'm not saying they don't but this is an ongoing issue. It is something we are taking up with the Board of Supervisors kind of focused Cal Pines Hill Estates. The residential high density zoning which is all of our subdivisions is high density residential with very little development. So people who want to have animals or do these things can't because it goes against their zoning code. This is a fundamental issue we should look at in the future when we are redoing our policy documents. That maybe your typical high density residential that you see in urban areas does not work up here. But for now that is what we are working with but with absolutely zero resources to put towards code enforcements we are very careful with so many issues. If we allow that stock water concept in Goose Lake Estates we have to allow it everywhere. Who says whether then stock water it can't be marijuana grow because that is what it leads too. This is why we have to be so careful with this policy.

Commissioner Hays: I don't know that the applicants even want to do that. I am trying to find a way to help them if possible. If that isn't possible then it is denied but it just seems very restrictive that they cannot have the available resources on their property. I just have a little problem with that it seems extremely restrictive. I understand from what you said a minute ago that we used to be able to do that but that was changed.

Associate Planner Channell: This was something that when we went through that process we looked at all the counties around us. What they deal with and what they have in place. We are not anything out of the ordinary. Very few counties will issue power without a building permit for a residence, business, or a structure on the property for that very reason. All the squatters that we have up in upper Cal Pines that are growing marijuana are stealing water and power from adjacent properties. If we grant someone the ability to have quote on quote an AG drop for stock water purposes we are simply feeding that frenzy that is already going on and that law enforcement and us as code enforcement and planning are dealing with.

Commissioner Hays: I can tell you with certainty that Surprise Valley Electric (SVE). I don't know about Pacific Power. But I can speak for SVE because I did that. I always told people they had to have a permit. We would not hook it up if it was not approved by the building inspector. I always told the people they had to comply with the building permit provisions and I do know that we ran power to stock pumps.

Director Hunter: SVE was always good but with Pacific Power we always had problems.

Associate Planner Channell: We still do. We have an Ag policy for agriculturally zoned properties to do an AG drop. Dominic will stack the service to the size of the AG pump that is all you are going to get. Again that is agriculture zoning it's an allowed use in that zoning. Residential it is simply not an allowed use in that zoning.

Commissioner Hays: I can tell you not AG pumps, stock pumps a whole different scenario. We ran a lot power lines to stock pumps

Associate Planner Channell: We run to both we just call it an AG drop whether it's a stock pump or AG pump. It varies that again goes back to the zoning. You do not have to have a house in agricultural zoned areas to have livestock and animals that's the purpose of those properties.

Commissioner Roberts: I understand the sentence in the staff report "at this time no residential structure is proposed for the property" Which means that in order to get power to the property they would have to be planning to take out a building permit or take out a building permit before they can do anything?

Associate Planner Channell: Yes, power on residential property is part of the building permit process. As well as the address none of that gets issued until you have an active building permit for the residence.

Commissioner Laacke: Looking for alternatives I sent you info about the planning code. There were several places where in high density residential it was possible to do picnic areas and stuff like that. I don't know if any of those are applicable you don't have a house nearby or families they may not be relevant but have you considered a solar pump? I know in SV the old windmills have been replaced with 2 solar panels that run a stock pond 24/7, plenty of water to irrigate. They have been replaced this year both of the windmills that used to provide stock water are now simple 1-2 solar panels about 8'x4'. It just sits on a post and the pump/well runs all the time.

Commissioner Huffman: Does that meet with the high density?

Associate Planner Channell: Permits still have to be issued.

Commissioner Laacke: I understand but there is a way to get there aside from getting a power supply utility run to the system.

Associate Planner Channell: We are still permitting power without the primary use being met. Where the power comes from really is irrelevant. We have to permit even those solar that all goes through Dominic. Those are permitted pumps with electrical service It really doesn't matter we still have to permit the electrical service on the property.

Commissioner Laacke: Ok.

Commissioner Hays: We will allow you speak now if you would like Patty?

Public Member Patty Carpenter: First of all I think you know we are longtime residents of Modoc County my husband came in 1978 and I came in 1979. We have always been in Goose Lake Valley, Willow Ranch, and New Pinecreek. I think from the letter that we sent to the Planning Commission you understand our intent has always been to improve that community. We have done that in several different ways through our service to the community, through the fire

department, cemetery board, the schools, community projects, and those types of things. We want to see that community thrive and get better. We do understand and have seen several of the code compliance violations which is something that we don't want to see. We have established positive relationships with all the people in Goose Lake Valley, in the community, and in the area where we have those lots. We do have a house also that is one lot away from those other 2 lots. We have our grandson and daughter living there now. We really don't want somebody to come in and create an environment that would not be compliant. We are appealing that denial of the power. The property did have mobile home, it has a well which is has been checked and it is viable. The mobile home was removed about 15 years ago and a lot of rubbish and waste was left behind. We are in the processing also of cleaning that property up and getting that all removed. Our singular purpose is to have the electrical service to access the well so we can plant trees which we already purchased for the purpose of shade, windbreak, and aesthetic purposes. There are no trees on the property at this time. We have talked to all the property owners at Goose Lake Estates and talked to all the property owners who own the contiguous property next to us. They are all actually very supportive of our appeal process. They are very supportive that we have a history in the community of taking properties, removing the rubbish, cleaning the weeds, creating a fire break, and making it a better spot. We have a petition or letter of support signed by all the contiguous property owners plus most of the owners of property in goose lake estates and goose lake valley. I will leave that with you so you can see that. I want to say that first of all I have been very satisfied with the responses that I've had from Ms. Hunter as to how quickly she has gotten back to me, sharing codes, and all those items with me so I have appreciated that. In her letter on July 26 she stated "the unfortunate policy of not allowing electrical service to be permitted in vacant residential zoned parcels because Modoc County has extremely limited resources for code enforcement so preventative measures must be utilized to insure that the property is not used for residential purposes, unpermitted structures are not built on it or other code violations don't occur." What we are asking for is a *conditional* approval to do a positive basic improvement on our property. The simple act of planting and watering trees to make the property more beautiful, improve the environment, create windbreak, and needed shade. I would like you to please not assume that all properties owners will do a bad thing and break their promises and commitments to following code and law if they see an opening to do so. Don't assume that the citizens will act with mal intent if given the chance too, sometimes rigid standards stand in the way of good intentions and actions. We understand the county does not have sufficient staff or resources dedicated to inspecting properties on a periodic basis to determine if there is a violation which they should need to correct through enforcement. We must surmise since this applies to all properties within Modoc County with or without electrical service. Right now any residential property owner in Modoc County who already has a legal electrical service could easily break the law by placing an illegal use on their property. Examples would be illegal placement of trailers, unpermitted construction, illegal business activities, and excessive rubbish. My husband and I do a lot of travels throughout all of Modoc County we have seen that on properties that have electrical service. The availability or non-availability of electrical service seems to have a smaller influence on code violation than the individual citizen's character which determines if they will comply with or violate codes. Would it be correct to state that most code violation activities in Modoc County come to the attention of the Planning Department through complaints from other citizens who are concerned or by accident and not from inspectors regularly patrolling the county looking for them, especially with the extreme limited resources available. We are willing to work with the County and with the Planning Department and code

enforcement staff by agreeing to do these two things. We would help to do the inspection job for them. We will take digital pictures of our property from our smart phone with a date stamp and send them to the designated Planning Department staff member, every three months to show that we are still in compliance with all codes. We would also be willing to provide the county with a surety bond guaranteeing that any electrical service to the property will be removed before the property is sold so that the new owner will need to apply for electrical service through the planning department process. These are 2 options we are offering to work with you on. I end with this the basic principle that we would like to express is that local government exists in part to protect its citizens from the occasional bad deeds of a few but it primarily exists to create a better and more healthy community for the many. When restrictions are so inflexible that they prevent many well-meaning citizens from doing something good then things have gotten too far out of balance and need to be brought back to a position of reasonable flexibility. I hope that we can work together to find a path to do this in Modoc County. I believe that the integral purpose for the appeal process present in most government entity is to allow for some flexibility and conditional approvals. I appreciate your time, consideration, and commitment to the county and I know this is a tough job. Thank you for listening.

Commissioner Hays: I would say that yours and Bill's integrity is without question impeccable. I know you and Bill to be very responsible citizens. Unfortunately, like Kim indicated if we allow one now we got to allow two and three and so on. That is the crux of the issue right now and we have to deal with that on that basis. If we allow you to do that then we got to allow your neighbors to do it and we've lost our grip.

Commissioner Roberts: The Board of Supervisors is extremely vulnerable to precedent. If they do it once they will do it a thousand times. A case in point is when we started paying the full contribution of our C.A.O about 6-7 years ago because we done it previously to lure somebody in here than we did it for the next one. But the fact is they are vulnerable to precedent and if we issue a waiver here or it goes to an appeal and they issue waiver they will continue to do it forever. It is dangerous. I am with you those folks over there are very fine people and intend no ill intent. The problem is waiving of a regulation for one. I hate hearing that if we do it for one we got to do it for all. I absolutely hate it but it is going to happen. I would love to do it but I don't think I can.

Commissioner Huffman: This seems like it was a lot of effort to make it that a high density area? It is because of the zoning and the way the parcels are put together there.

Director Hunter: Because it is a residential subdivision.

Commissioner Huffman: wouldn't the subdivisions itself prevent them from doing it?

Director Hunter: How so? I'm sorry I don't understand.

Commissioner Huffman: every subdivision I have worked on there was a lot of limitations.

Director Hunter: Oh, you are talking about Conditions, Covenants, & Restrictions (CC&R's). I don't believe there is property owners association at Goose Lake Estates. Many of our subdivisions do not have CC&R's especially the older ones.

Commissioner Huffman: but those are pretty small lots.

Director Hunter: 1.8 acres

Commissioner Huffman: Is there a residence adjoining the lot?

Commissioner Hays: There is one lot between them and I think their daughter's

Public Member Bill Carpenter: There is a house next door then one lot then we own the lot with another house.

Public Member Patti Carpenter: People from urban areas come in and we say it is high density residential. They say what is this? Historically a lot of the subdivision even though it was subdivided it was still used as farmland. So people went in and they farmed. In fact, part of the subdivision has an irrigation pump and it is irrigated and is an alfalfa field. There are lots in the subdivision that are covered with stacks of hay bales because it is used for agricultural already. Even though it is called residential high density.

Director Hunter: as I mentioned that is a fundamental issue for our subdivisions all across the county. The majority of our subdivisions across the county are zoned high density residential. As Patti mentions and I mention it is a fundamental issue because it is not your typical curb gutter sidewalk or a lot with community water and sewer like people from more urbanized areas are going to think. I thought excellent letter and great points but I want to emphasize as staff we cannot be the judge of character or good intentions. I have done that before.

Associate Planner Channell: We cannot discriminate against or for anyone just because we perceive them to be good people, long standing citizens or whatever.

Commissioner Roberts: It seems to me the problem is not the condition of the land at the moment, not who buys it in the future, it's not this folk's intent which is fantastic and I appreciate it. It is the zoning ordinance on the books and do we waive that? This is a zoning ordinance on the book. Do we waive that or violate that for this situation? That is the question.

Commissioner Huffman: if you can get water from any neighbor it would be a better deal.

Commissioner Roberts: or don't plant the trees until you are cleared here.

Commissioner Huffman: No since in the planting the trees if you don't have the water. It is frustrating to own land and think you can do whatever you want with it. But when you put it into a subdivision with neighbors and everything possible it has to go by the code as much as we hate it. I just don't see how we can go around it.

Commissioner Roberts: The only thing we need to consider here is we have regulation on the books a zoning code do we waive that for this situation? I wish it could be done but I don't believe it should be done.

Commissioner Huffman: There was a reason for the high density subdivision put in there. Somebody had the idea that if they had all these lots it would draw people.

Associate Planner Channell: to be clear this isn't something that is unique to HDR. It is all residential zoning we do not issue electrical permits without building permit. It is not simply because it is high density residential, it's all residential zoning.

Commissioner Roberts: The reason we don't do that is because we have a zoning code that prevents it.

Associate Planner Channell: We got rid of that process because it created so many problems for the county and was such a huge drain on our resources. Unfortunately, and I hate to say this occasional good citizen who has good intentions are far outweighed by those that don't. It is just the reality of the world we live in.

Commissioner Roberts: There was a valid reason for doing it and it went through the full process to accomplish it.

Associate Planner Channell: yep

Commissioner Laacke: The world we live in we're about to begin a rewrite of the general plan. The general plan that was written in '88 was very accurate in describing what was going to happen in the future they didn't have any idea I suspect, that they were talking 30 years in the future. They were talking 10 years into the future but 30 years into the future is just as valid. The original intent was for agricultural use the basis of the county being AG use. In the meantime we have huge amounts of land divided up by developers who had a different picture on what was going to happen to this county. That land one acre land was a big deal. You could sale it and people would move up here, that didn't happen. What we are looking at is a situation that arose in the context of a general plan that zoned things the use in which never developed. One possibility would be to review the land allocated in this kind of way and look at it again in terms of rezoning or rewriting the rules with the acceptance of the reality of people.

Associate Planner Channell: You're still going to have residential property and the bulk of the county is agriculture to this day

Commissioner Laacke: I understand but the justification for identifying residential policy and I read the stuff. The background and the plan how it got started and what the key issues were. There was enough residential property available for growth in the next ten years. It would be reviewed and the amount of residential property set aside would be adjusted for the future population. So there was always a 3% of excess of property available over that immediately required? What I am suggesting when we go into this general plan rewrite we reconsider the land in the context of what actually developed and take a look and see if we can make a

projection better than they did before and change some of the zoning to more reflect the reality of what now and the future is going to be.

Director Hunter: Very good.

Commissioner Roberts: I would hope that we would do that.

Commissioner Huffman: The fact that it is a subdivision map, doesn't that change how you have to?

Commissioner Hays: It changes the zoning of HDR

Director Hunter: That is actually an excellent point and we are going to be struggling with. We have these subdivisions and they can't just go away. That is part of the analysis but that is a great point and Cal Pines Hill units are going to be huge.

Commissioner Laacke: The reality is the subdivision is lines on a map. Nobody is going to walk on that ground and find those lines. Nobody can walk on the grounds and find the sidewalks and houses. They don't exist and haven't existed. Are they going to exist?

Director Hunter: Probably not.

Commissioner Laacke: So that is the question we need to think about. If they are not going to exist and maintaining this kind of Albatross around our neck doesn't make sense. The problem with that approach is that each one of these small lots are owned by an individual property owner and you have to consider what will be the consequences of the shifting that area from HDR to something related to RR and what the rules are going to be with that?

Commissioner Roberts: but will a building permit be required?

Associate Planner Channell: that is my point even if you change it to something that's for larger acreage like RR. It is still residentially zoned property. You still have to have a residence there to apply for these other things. It is not going to change the fact that this policy that we're discussing really has no bearing on this discussion because if we change it we are going to go right back to where we were before and opening the flood gates of compliance issues.

Commissioner Hays: I would like to break in here. I think we have beaten this thing to death. We're just repeating ourselves everything is repetitious we need to take action on this item.

Director Hunter: I agree with Jim actually on his line of thinking and Patti mentioned this too. This is our code. We have the general plan policies but this is our code and you can make it what it is. The high density residential is based on a more urban view. We have the general plan policies which are awesome that has been a great document and many times I have told you that the zoning isn't. In this case it is the zoning not the general plan that is really prohibiting this. I still hesitantly and very carefully say this is a Pandora's Box. However, it is the Planning Commission who oversees the implementation of the zoning code. If you see a fundamental issue that is a

problem it is your purview to consider how to change that problem and possibly create an avenue. It is your code and your community's code if we have this as an ongoing issue. How we do that is a scary thought. You could create a permit process, a use permit. This is an administration nightmare a surety bond, constant monitoring, and staff members change. You have to take away all these issues. This has been a very long discussion and has brought in some huge community issues.

Commissioner Huffman: One which we'll probably have to address again because when people buy one and they see all the lots close to them. I can see where the effort to improve those lots would be a natural reaction.

Director Hunter: Just like the Carpenter's let's buy two and merge them together to create a more buildable property. That is what we want to see because that is all the hopes these subdivisions really have, are people like the carpenters but on the other hand we have zero backing for code enforcement and resources. Even if they have a house and electrical service this is an ongoing issue. This is just kind of an easy one where we actually have little teeth to prevent something from happening. Our code issues in the county as you know are huge. That is all I have.

Commissioner Roberts: They can appeal our decision today to the BOS?

Director Hunter: Yes they can and so can I.

Commissioner Roberts: Ok but they can appeal. They do have appeal that is all I need to know.

Commissioner Hays: I agree with Jim that maybe we should review this in the future but for the time being we need to react to the existing code.

Commissioner Roberts: I will make the motion to uphold the Planning Department's decision.

Commissioner Laacke: I will reluctantly second it, only in the sense because we are looking at redesigning this county and its future very soon. We have the options here of looking for solutions to the problems that exist now and avoiding new ones. All we can do in my opinion is work very hard at that and see if there is a solution that makes it work.

Commissioner Roberts: I would suggest as quickly as we can. You are no more reluctant than I am. I would love to see them have the opportunity to do what they want to do but I don't think we can do it.

Commissioner Hays: I think we are all in agreement with that we would all love to see the Carpenter's do what they want to do. Unfortunately, that isn't the case right now. There is a motion and second on the floor to deny the Carpenter's their appeal.

Motion to approve made by Commissioner Roberts, seconded by Commissioner Laacke. Unanimous.

5. Woodward – Parcel Map and Rezone (PM2015-09)

Associate Planner, Lori Galvin gave an update on the Woodward-Parcel Map and Rezone project. Mary Woodward is requesting a Parcel Map and Rezone of a 28.42 acre parcel (APN#022-510-68). The Parcel Map will result in 4 parcels consisting of 5.35, 5.22, 5.13, and 12.72 acres. This project is located 2 and ½ miles southeast of Alturas on County Road 57. Township 42N. Range 13 E., M.D.B.& M. portion of Section 16 and 21.

Associate Planner Lori Galvin: This is an item continued Woodward Parcel Map and rezone. Mary Woodward is requesting a parcel map to divide her existing 28 acres into 4 parcels and rezone those parcels along with an additional piece. They had some issues with their mitigations and so we did a site visit with Kristin Hubbard, General Scientist with Department of Fish & Wildlife (DFW) along with the representatives of the family on 9/7/16. We walked the property on the Dorris Reservoir side to see how far the high water mark went and the riparian area. Than on the west side of the property the riparian stream and discussed the issues on both sides. We are currently rewriting the mitigation for that and the buffer areas on both those.

Commissioner Hays: Now are they going to be reduced?

Associate Planner Galvin: yes, we are in the process.

Commissioner Hays: It was 150 Feet whereas now it is 50 feet.

Director Hunter: There is still draft language to get circulated and to review with the applicant. It was definitely confirmed with the site visit. I didn't attend the site visit with the group I went out and took pictures previously. From the aerial views there was some discussion about the drainage stream we'll call it that which is on the western portion. It may have been a drainage ditch at one time but it drains a wetland that's recognized by the US Fish and Wildlife Service that is just on the property above the project site and it exhibits a riparian of vegetation; it is a meandering braided type of geomorphic configuration. So there's been a discussion, is this a stream, a drainage, an irrigation ditch. What is it? What we have to do is consider the baseline at the start of the project. On the baseline it is a blue line on USGS topo and it has the qualities of a stream system. So that is how it's being treated and we have the back up for that and are redoing the discussion to make this stronger and clarify these points. This should have been done in the first place and I do appreciate the applicants saying hey what a minute because the Dorris Reservoir could be greatly reduced. The stream buffer still is not greatly reduced. We are looking at language changes from absolutely non-disturbance to no structures so also a change in the language there but again this is draft language. You will see the final version in November.

Commissioner Hays: Lori indicated that you are in the process of reviewing and so you don't have answers yet. I understand and agree with your recommendation to table this item to the November meeting.

Commissioner Huffman: So basically the office has agreed to reduce the amount of setback and now you're waiting for the agencies to approve the changes that you made.

Associate Planner Galvin: We're in the process of rewriting and then we will need the 30 day recirculation period once we finish and that will give us enough time to do that.

Commissioner Huffman: I am surprised when you see the map there is really not an awful lot of land that doesn't have water on either side. The fencing was never supposed to go down below the high water mark was it?

Commissioner Hays: It was to go to the high water mark.

Director Hunter: Now the draft preliminary language is just structures and a fence isn't considered a structure unless you build quite a fortified fence. The normal fence you see out there is not considered a structure. We do not require a permit for fencing. That can be done and that does not violate the mitigation proposed in draft language.

Commissioner Huffman: Anything you are proposing does not affect the piece of property that is the mother's place?

Associate Planner Galvin: Yes, that won't affect that because it is already there.

Director Hunter: It will apply to any new structures.

Commissioner Huffman: If they put a new structure on the mother's land. If she doesn't do anything then the newer requirements for the additional parcels would not affect her one way or another unless she does something.

Director Hunter: Correct and it is greatly reduced. Currently they do not have a structure within 50 feet of the high water mark and again it is just structures where the previous language said non disturbance zone, no ground disturbance whatsoever, which really scared people...can't graze, can't put up fencing that is why just the permitted structures. Of course we also discussed that the focus is just on biology. On the hydrology discussion we didn't get comments back from the Regional Water Quality Control Board saying this is a big issue. We got their template letter and they didn't mention the mitigation, and we have codes on the book for septic systems which is the biggest concern is having a septic system leeching into a water body. Ours are very conservative and already on the books. No reason we need to mitigate that which is pretty surprising.

Huffman: I remember them saying they were not opposed to the restrictions of the sewer line it was just the use

Hunter: exactly, so hopefully this will be a better fit for the direction it is going from the site visit concurrence with the Fish & Wildlife Staff. We are working really closely with applicant and Fish & Wildlife which is a positive.

Commissioner Hays: Staff has recommended that we consider the update and table this item until the November 9, 2016 meeting. There is no action requested or recommended at this time.

6. Planning Director's Report

Director Hunter reported that there is a new name for the department which is Modoc County Planning & Building Services which was approved by Resolution of the Board of Supervisors at the September 27, 2016. The Planning Department has entered into a new Memorandum of Understanding (MOU) with City of Alturas which lapsed in 2013 to provide planning services. The new MOU begin on 09/01/2016 and has been approved by the Board of Supervisors and City Council. During the time lapse City of Alturas updated their General plan and Zoning. This MOU is a better utilization of resources and adds revenue to the Planning Department but comes with its own set of challenges.

Director Hunter reported that she sent an email to Supervisor Kathie Rhoads, Chairman of the Board to discuss more aggressively recruiting a Commissioner for District three. Commissioner Elwain's term was scheduled to end 12/31/2016 so this is actually good timing. The Planning Commission may have to meet monthly or more while revising the general plan so filling that vacancy is of utmost importance. Kim asked commissioners if they have anyone in mind that may be a good fit for District 3 which is Likely, southern Alturas, and Parker Creek area please contact her.

Director Hunter reported on her schedule and opened a discussion about meeting dates and times. Meetings are currently every other month and usually the second and fourth weeks when Director Hunter is in the office and based on CEQA timelines. Also discussed were potential times for meetings which are normally 10:00AM and possibly moving the time back to 1:30PM. As a result of this discussion everyone was comfortable with keeping the meeting date flexible as long as the meetings are on Wednesdays at 10:00 AM.

7. General Plan Land Use, Safety, and Housing Element Workshop

Director Hunter presented a three part workshop going over the general plan and familiarizing the Commissioners with the document. She reported there are seven mandated elements by law. The general plan is the blue print of the community it's the umbrella document, the vision which is supposed to be very general. Zoning, specific plans, and ordinances fall under the general plan and need to be consistent. She introduced vertical consistency and internal consistency. The housing element needs to be updated every 5 years by law and the other elements are recommended to be updated every 15 years. The housing element has always been an ongoing issue. The housing element has been updated over the years most recently in 2009 and because of that the other elements are out of conformity.

The Modoc County General Plan was adopted in 1988 and the housing element was updated in 2009 but expired April 2014 so Modoc County is currently out of compliance. The county is one cycle behind the city is two cycles behind. This makes the community & city ineligible for Community Development Block Grants (CDBG) which is funding that can be used for planning documents, infrastructure, etc. and are very important to smaller counties such as Modoc. The

additional elements included in the general plan for Modoc County are the energy element and economic element which are not required by law but can be added at the county's discretion. Although currently there is an economic element this is not recommended because it becomes outdated very quickly. The state has mandated that the housing element be updated every five years but as a condition all other elements such as the safety element and land use elements need to be reviewed, revised, and updated as necessary to address very specific issues. Director Hunter also discussed Senate Bill 244 which is basically addressing three types of communities are known as Disadvantaged Unincorporated Community (DUC's) which are fringe, island, or legacy communities that have a household income that is 80% or less than the statewide median. The revised land use element will need to include an analysis of all identified DUC's, descriptions and maps designating the location.

Director Hunter went over the Preliminary Plan to update the General Plan. The proposal is to do as much of the updates in house as possible because staff is available and that will limit the amount of money spent because General Plan updates are extremely expensive. Director Hunter's suggestion is to outsource the Housing Element to a consultant who understands rural communities and can work with a limited budget. The Planning Department is currently working with the City of Alturas to complete the general plan revision so that costs can be shared. This will be a phased/incremental approach the first phase consists of revising the safety element and the land use policy. The maps that will be part of the land use element will be completed at a later date due to the fact that when you change map colors it triggers CEQA. Phase one beginning 2017 will be revising the land use policy only, safety element, and the housing element. We have just received the final draft of our first local hazard mitigation plan which needs to be recognized by our safety element under the disaster mitigation act of 2000. If this element is not recognized we do not qualify for disaster mitigation funds. Next step would be to start the land use map as soon as possible after the land use policy has been completed. We cannot do a noise or circulation elements in house because there are needed analysis that require certifications. We also need mapping consultants. We have a limited GIS and that is going to require hiring and spending money on a professional. Phase two would be conservation and open space elements and a lot of environmental items. There will be a discussion on Public Open Lands. Land use maps, circulation, noise, energy, and economic development. All these elements need to be separate but have internal consistency. Some of the zoning will need to be tweaked prior to beginning the housing element.

The next Planning Commissioner's meeting is scheduled for November 9, 2016 at 10:00 AM.

8. Adjournment

Commissioner Hays: Meeting adjourned at 12:26 PM