

Siskiyou County Planning Commission
Regular Meeting
August 20, 2025

The Siskiyou County Planning Commission meeting of August 20, 2025, was called to order by Chair Fowle at approximately 9:00 a.m. in the Siskiyou County Meeting Chambers, 311 Fourth Street, 2nd Floor, Yreka, California.

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

Absent:

Also Present: Hailey Lang, Deputy Director of Planning; Rachel Jereb, Senior Planner; Bernadette Cizin, Associate Planner; James Phelps, Senior Planner; William Carroll, Assistant County Counsel; Janine Rowe, Commission Clerk

Minutes: It was moved by Commissioner Melo, seconded by Commissioner Veale, to approve the June 18, 2025, Planning Commission Minutes as presented.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present, with Commissioner Lindler abstaining because she was absent from the June meeting.

Unscheduled Appearances: None

Conflict of Interest Declaration: None

Presentation of Documents; Availability of Public Records; Public Hearing Protocol: The Chair instructed those members of the public who were in attendance to refer to the Agenda for these items.

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

Changes to the Agenda: None

New Business:

Agenda Item 1: Proposal to Abandon Bailey Hill Road (RA-24-02) / Categorically Exempt

The project is a proposed abandonment of a county owned road for the benefit of the interested party. Prior to consideration by the Board of Supervisors, the Planning Commission shall review the proposal and make a recommendation to the Board. In order to abandon a public road, the Board of Supervisors must find that the abandonment is in the public interest and conforms with the Siskiyou County General Plan. The proposal involves abandonment of 1.28 miles of Bailey Hill Road, located off Exit 793 (Lemos Road Exit), northbound Interstate 5, on 17.25 acres of AG-1 land. Township 47N, Range 6W, Section 14, M.D.M; APN: 040-070-130; 41°57'18.7"N 122°35'25.7"W.

**Categorically Exempt
Road Abandonment**

**Recommending Adoption
Recommending Abandonment**

Staff Report:

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

Mr. Phelps told the Commission that this project proposes the abandonment of a 1.28-mile paved frontage road along I-5 at Exit 793, near Bailey Hill Road and Lemos Road, adjacent to 17.25 acres of AG-1 zoned land. To accomplish road abandonment, he said the Planning Commission must find that the abandonment conforms with the General Plan, the road is not useful for non-motorized transportation, and the road is unnecessary for current or future public use.

He said a review of Caltrans data reflects that approximately 8,400 vehicles travel northbound past this area daily, with a small portion potentially using the frontage road during emergencies or for brief stops. No public services are located at the exit in question.

Mr. Phelps said Caltrans stated they wanted to be sure there was room to do snow removal and maintenance work so they do not want there to be a gate at the top of Bailey Hill Road and Lemos Road. He said Mr. DeClerk, the proponent, is open to granting Caltrans access to the road but is primarily concerned about unauthorized public use and trespassing. The goal is that following road abandonment, the area can be closed to the general public while still maintaining easement access for adjacent landowners and public agencies needing to reach Bailey Hill Road.

Mr. Phelps explained that Bailey Hill Road serves six land parcels, four of which are owned by Mr. DeClerck, with the remaining two belonging to Southern Pacific Railroad and the R Ranch Property Owners Association. He said no comments were received from Southern Pacific nor the R Ranch, so it's assumed they do not oppose the proposed road abandonment. Mr. DeClerck owns most of the adjacent land and stands to be the most impacted and would likely benefit from reduced public access.

He said concerns were raised by the California Public Utilities Commission about maintaining access for railroad operations, which Mr. DeClerck intends to preserve. Also, continued access for the R Ranch is also considered essential, particularly for emergencies or evacuations.

One concern is a bridge that would be part of the road abandonment that CAL FIRE said should be transferred to the adjacent parcel.

Regarding the findings, Mr. Phelps said the project is considered consistent with the General Plan, despite an outdated scenic highways element that may no longer apply by the time the project is finalized. He said while the road sees occasional use by horseback riders, its value as a non-motorized transportation facility is debatable and could be reasonably argued either way. Similarly, although the road could serve the public in emergencies, such as during snowstorms or I-5 closures, its infrequent use may justify a finding that it is not necessary for present or future public use.

Ultimately, the decision rests on the discretion of the Planning Commission and the Board, with valid evidence supporting either outcome.

In conclusion, Mr. Phelps told the Commission that staff recommends the CEQA common sense exemption.

Agency Input: None

Commission Questions:

A brief discussion was held regarding the Scenic Highways element, and Mr. Phelps said it was done in the 60s or 70s and wasn't sure whether it still applies.

The Chair opened the Public Hearing.

Public Comments:

Mr. Steve DeClerck of Hornbrook, project proponent, spoke in favor of the road abandonment. He told the Commission that the main reason for the proposed road abandonment is security, as he has experienced multiple incidents of theft and even armed robbery from individuals accessing the road off I-5. He said he is also an R Ranch member and leases the adjacent railroad parcel and emphasized his commitment to maintaining existing easements and ensuring access for the railroad and forest service. He also cited ongoing issues with public misuse of the road which included creating unsanitary conditions, and believes that closing it off will improve safety, reduce maintenance burdens, and save the county money.

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

Commission Discussion:

Discussion was held with the DeClercks regarding four mailboxes on the road that belong to the DeClercks, their renter, and another house that is empty.

There was discussion that the portion of Bailey Hill Road on the DeClercks' property is county owned land and that the county received the land from the state when I-5 was built. Mr. DeClerck said he would be paying the taxes should the road abandonment be approved.

A lengthy discussion was held regarding the chain of events pertaining to transfer of the property that would occur should the road be abandoned. Mr. Carroll advised that according to the Streets & Highways Code, the Board of Supervisors doesn't have to place the abandoned roadway up for public bidding and can sell it on their own terms and conditions. He reminded the Commission that the sole purpose to be accomplished at today's meeting was for the Planning Commission to make the required findings and that property transfer issues are outside their purview.

Mr. Phelps added that under state law, there is no requirement for the DeClercks to purchase the land and that the Board of Supervisors has the discretion to transfer it without charge if it chooses.

Chair Fowle countered that he believed it's within the Planning Commission's purview to relay to the Board of Supervisors their concerns about the proposed road abandonment and its potential impact on private property owners. He said he wanted to avoid setting negative precedent, particularly for the DeClercks.

The Commission highlighted the importance of protecting both the property owners and the county from liability during the transition. Mr. Phelps clarified that abandonment would coincide with the transfer of property title, ensuring protections are in place before any final action is taken.

The discussion turned to the possibility that should the acquired portion of the road proposing to be abandoned remain as a separate parcel, there was concern about future access to a downslope

parcel with a house on it and that without a deeded easement, disposing of the parcel later could be complicated. Mr. DeClerck clarified the parcels are already separate, but Commissioner Hart emphasized the importance of considering long-term implications for access and ownership.

In response to Caltrans' comment regarding there not being gates installed, Chair Fowle believed the DeClercks have the right to install a gate wherever they want to and that a private property owner has the right to limit access on a private road for liability purposes as well as to prevent trespassing.

Chair Fowle expressed strong concern over CAL FIRE's suggestion that if the bridge transfers to private ownership the DeClercks would be solely responsible for maintaining it to 4290 regulations. He said the bridge currently does not meet those standards and upgrading it would be costly and require permits from multiple agencies. He emphasized that the Planning Commission should not support language that places perpetual financial and regulatory burden on the property owner, arguing that responsibility should remain limited to current standards unless CAL FIRE funds the upgrades.

The issue of Caltrans' request that no gate be installed was discussed again, and Mr. Phelps said the gate location issue is manageable, with the option to relocate it on Bailey Hill Road. He said Caltrans' concern is limited to ensuring their trucks can turn around at the Lemos Road offramp. Chair Fowle cautioned against imposing extra responsibilities on the DeClercks due to state agency overreach, and Mr. Phelps clarified that once the property is privately owned, the state agency would have limited authority over the road.

Chair Fowle clarified that the road abandonment process should align with the transfer of ownership to avoid leaving the DeClercks with liability or limited access. Mr. Phelps confirmed that while this coordination isn't stated in the resolution, it is the intended procedure, noting that the county also wants to avoid abandoning the road without a new owner to assume responsibility, which would negatively impact public access, and the DeClercks said they agreed with the process.

Motion: Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Veal, to Adopt Resolution PC2025-012, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Siskiyou County Board of Supervisors Approve the Proposed Road Abandonment (RA-24-02) based on the Recommended Findings; and Recommending that the Siskiyou County 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.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present on the following roll call vote:

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

Noes:

Absent:

Abstain:

Items for Discussion/Direction:

After discussion, it was decided that the Mining Program Update would be heard before the General Plan Update.

1. Mining Program Update – Discussion Regarding Mine Operators Noncompliance with Terms of Reclamation Plan

Ms. Cizin told the Commission that staff felt it was important to bring this item to the Commission for an overview since there are many new mining reclamation plans that will be presented at future Planning Commission meetings, as well as new mine operations being proposed.

Ms. Cizin said there are currently 25 active mines that are monitored annually, including three idle and two under reclamation which are inspected as if still in production. Each fall, Planning staff conducts onsite inspections and reviews detailed reclamation cost estimates to ensure financial assurances like bonds or CDs are properly maintained. She said mine operators must submit these estimates within 30 days of inspection, and the estimates cover such things as reseeding, regrading, and erosion control. Annual production reports are also required and reviewed to determine operational status. Inspection reports include site photos and observations, and most operators are cooperative, making the process efficient and thorough.

Commissioner Melo asked if the state provides funding for the mine inspection program. Ms. Cizin said they do not, but the county charges an annual fee of \$1,400 per mine, as outlined in SMARA, which is intended to cover staff costs for inspections, cost estimate reviews, and report processing. She said If a mine becomes non-compliant, additional charges may apply for violation notices and related correspondence. After inspections, the county submits cost estimates to the state for approval and once approved, mine operators have 30 days to adjust their financial assurance (bond or CD) to match the estimated reclamation cost. She said annual production reports are also reviewed, with a July 1 deadline, though operators have about six months to submit them.

In response to Chair Fowle's question about submitting production reports, Ms. Cizin said mine operators submit their annual production reports directly to the state, either by mail or through an online portal that can also forward a copy to the county if directed. She said the county issues annual fee invoices at the start of each calendar year, which helps support the ongoing inspection and reporting program.

Ms. Cizin said staff frequently encounters delays with operators submitting their MRRC2 annual production reports to the state, even though many mines complete production before the end of the calendar year and have several months to file. Despite this, reports are often late and operators should be receiving notices of violation for noncompliance. If the county issues such notices, it will begin charging for staff time involved, which is something that was not consistently enforced in the past but is now being pushed due to increased pressure from the state. As the lead enforcement agency, the county is responsible for notifying operators, and while the state does inform the county of missing reports, that notification typically arrives about 30 days after the June 1 deadline.

The next issue Ms. Cizin discussed was preparation of cost estimates for mine reclamation, which is a challenging and time-consuming process. She said operators must calculate detailed expenses, such as equipment type, productivity rates, and labor hours for tasks like slope regrading. Estimating

seed costs is particularly difficult, as vendors often hesitate to provide quotes knowing the seeds may not be purchased soon, if at all, and many operators resort to online sources for native seeds, factoring in tax and shipping, which adds complexity and delays and often results in late submissions.

Regarding flexibility in seed selection, Ms. Cizin said operators are bound by their approved reclamation plans, which often require native species. While alternatives like pasture or meadow mixes could be considered, any changes must be supported by a botanist or biologist and formally applied for. Reviewing and updating outdated reclamation plans is encouraged, but due to the added cost and effort, many operators choose to stick with the existing plan requirements.

Ms. Cizin said boundary issues are a persistent problem for older mines due to poor mapping and missing or undefined physical markers. Depth limits in reclamation plans are often unclear, and with inspections occurring only annually, operators sometimes exceed approved boundaries. She said the county is encouraging operators to work with surveyors to properly establish boundaries, and failure to do so may result in violations.

She said reclamation efforts are frequently overlooked as operators focus on production which leads to overly steep slopes, boundary encroachments, and vegetation mismanagement, including the neglect of invasive species and required monitoring. She said some reclamation plans mandate equipment washing and weed removal, but these practices are often ignored.

Ms. Cizin explained enforcement under SMARA begins with a notice of violation and a 30-day correction period. If unresolved, the county may issue a stipulated order to comply or proceed to a formal order. She said staff generally tries to resolve issues informally first, but violations require additional staff time and trigger fees. She added that not all violations are the same; some are simple paperwork delays, while others involve financial assurance complications, which staff handles with flexibility.

The Department of Mine Reclamation has recently begun formally notifying the county when enforcement is needed, marking a shift from past informal communication. Although DMR is not conducting inspections, they are flagging paperwork issues and inactive sites, increasing pressure on the county to respond.

Ms. Cizin told the Commission that mine site issues are becoming more complex, especially with outdated boundaries, noncompliance with phased mining plans, and invasive species like star thistle. Operators often resist necessary reclamation plan amendments due to cost and uncertainty, leading to violations that are harder to correct. Hydroseeding and seed mix challenges, lack of monitoring, and inconsistent enforcement have compounded the problem. The Department of Mine Reclamation is now pressuring counties to act more assertively, and fines of up to \$5,000 per day may apply for noncompliance, though the county lacks a formal fine schedule and is working to establish clearer enforcement practices.

There was discussion between staff and the Commission that fines for mine noncompliance are authorized under SMARA, though the county has only issued modest penalties so far. If financial assurances are insufficient, the county may end up reclaiming the site which has been done in the past. There is the option to place a lien on the property to recoup their expenses although that hasn't been exercised.

Also discussed were the dollar amount of bonds required to be posted by mine operators, and due to the small amount required, banks take a long time to process them which in turn delays in the operators being able to provide their financial assurances in a timely manner.

Ms. Cizin told the Commission that if a notice of violation is issued and the operator wants to appeal it, the public hearing is required to be held within 45 days, unless the operator agrees to extend the deadline. This 45-day deadline would likely require the Planning Commission to hold a special meeting because of noticing and publication deadlines.

In conclusion, Ms. Cizin said that because the Planning Commission oversees use permits, reclamation plans, and SMARA appeals for surface mines, staff was seeking guidance on fair enforcement practices and feedback on fine ranges to ensure future violation orders are both fair and firm.

The Chair called for a break at approximately 10:20 a.m.

The Chair called the meeting back to order at approximately 10:25 a.m.

Chair Fowle asked staff to explain what is currently in the General Plan related to mining and reclamation, and Ms. Jereb said the General Plan was last revised in 1997 and contains limited mining-specific language. A review of county code reflected that a chapter covering surface mining and reclamation was amended in 2015 and then updated in 2022 to comply with SMARA, but those were zoning code changes and not General Plan amendments.

Chair Fowle asked about enforcement and fee language in the county code, particularly regarding notices of violation (NOVs). Ms. Jereb confirmed the code mirrors SMARA regulations with minor tweaks. Ms. Cizin suggested reevaluating the \$1,400 fee to better reflect staff time, and Ms. Lang noted a fee schedule update is underway that may include recurring adjustments.

Chair Fowle emphasized the need for transparency so mine operators understand upfront that NOVs may incur additional charges, and Ms. Cizin agreed and said while current operators are informed via cover letters, new applicants should be receiving that information in their initial packets.

Chair Fowle began a discussion regarding specific reclamation details like seed type and reseeding methods and that those details should be an amendment to the code. He raised concerns about outdated reclamation plans requiring impractical native species like junipers and asked whether updated reseeding standards could apply retroactively. Mr. Carroll cautioned against overriding environmental laws like CEQA and said existing plans would need amendments to adopt new standards. Ms. Cizin emphasized the need for realistic, site-specific plans and noted that violations often stem from outdated, rigid requirements and operators not amending their reclamation plans.

Ms. Jereb highlighted a recurring issue where outdated reclamation plans set unrealistic standards such as requiring 80 percent vegetation cover which some mines, cannot meet. She emphasized that operators could propose more realistic targets and should consult botanists to ensure their plans reflect actual site conditions.

There was discussion that staff wants to collaborate with mine operators whose reclamation plans are outdated, with the intent to help them update their plans and avoid compliance issues. However, for those deliberately avoiding regulatory requirements, staff indicated that violation notices would be issued and requested the Commission's support in enforcing these actions.

Ms. Cizin noted that notices of violation and penalties will become more frequent due to recent issues with mine operators and raised concerns about fairness in assessing penalties, given the lack of precedent.

There was discussion regarding the appeal process, and County Code Section 10.5-117(b) sets forth that it would be an administrative decision of the Planning Director whether or not staff should assess penalties, or whether it's simply a notice of violation. It would go before the Planning Commission to try to bring the mine into compliance before penalties are assessed, but once penalties are assessed, it goes to the Board of Supervisors. If penalties are not effective in bringing the mine into compliance, revocation is the next step which would be heard by the Planning Commission and then finally by the Board of Supervisors.

Discussion was held regarding the imposition of fines, and Mr. Carroll pointed out that SMARA sets out that certain factors should be taken into consideration including the gravity of the violation, prior history of violations, degree of culpability, economic savings, if any, resulting from the violation, and any other matters justice may require.

Ms. Cizin told the Commission that their input was very helpful and reiterated that staff will include notice of violation procedures and potential fees in the mine application packet to ensure transparency. She said penalties resulting from notices of violation will go directly to the Board of Supervisors, while appeals without penalties may be reviewed by the Planning Commission. She said staff and County Counsel could have further discussions regarding a more defined fine schedule, and Chair Fowle and Commissioner Hart emphasized that fines should reflect actual staff costs, which Ms. Cizin confirmed are already accounted for in the planning fee schedule.

2. Ongoing Staff Update Regarding the General Plan Update

Ms. Lang shared updates on the General Plan process, noting that the safety, noise, and circulation elements are complete and will be reviewed by the Planning Commission before broader public engagement. She said work is continuing on the land use, open space, and conservation elements, as well as a draft table of contents for the zoning code. She said the consultants also identified underutilized sites in unincorporated areas that may be suitable for rezoning.

Ms. Lang said originally, the safety, noise, and circulation elements as well as the zoning code were to be released separately, but the team has decided to present them together during the hearing process to ensure a more integrated and publicly engaged approach.

Ms. Lang also met with Siskiyou EDC to discuss collaboration on public outreach.

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, September 17, 2025, at 9:00 a.m.

2. Correspondence: None

- 3. Staff Comments:** Ms. Jereb advised the Commission that since Microsoft Teams started being utilized for teleconference access during Planning Commission meetings, there have been increased technological challenges as well as a decrease in public participation. Chair Fowle requested that an item be included on the September meeting agenda to discuss whether or not to continue allowing teleconference access to Planning Commission meetings.
- 4. Commission Comments:** Commissioner Veale asked if there was any activity going on at the Deer Mountain Lodge property on Highway 97 that had requested a zone change. Ms. Jereb said the property sold and she sent the new owners the staff packet but does not know what their plans are.

Commissioner Hart said he is concerned that the people who attend events at Star Camp Shasta don't know how dangerous the road is and would like the owners to relay to their patrons that they need to be extremely cautious when traveling that road and drive accordingly.

Commissioner Hart asked that County Counsel make a presentation at a future meeting regarding the Public Trust Doctrine and how it applies to CEQA in the Planning Commission's decision-making process.

Chair Fowle raised concerns about the rigidity of Williamson Act contracts, citing two cases where properties failed to meet technical requirements despite their agricultural history. He emphasized that strict adherence to the Act could lead to widespread contract cancellations due to issues like soil classification, irrigation, and unrealistic carrying capacity standards. He advocated for more flexible interpretations, such as recognizing historically important agricultural land, and warned that without adjustments, property owners could face severe financial losses. He is working with Supervisors to explore solutions and prevent unnecessary revocations.

Ms. Lang responded that the Williamson Act still requires certain guidelines to be followed, though there's flexibility for local adaptation. She said state funding ended in 2009, so counties now choose whether to participate, and while a few counties have opted out, most continue to offer property tax reductions through local programs if eligibility criteria are met.

Adjournment: The meeting was concluded at approximately 11:30 a.m.

Respectfully submitted,

Hailey Lang, Secretary