

**Siskiyou County Planning Commission**  
**Regular Meeting**  
**January 20, 2021**

The Siskiyou County Planning Commission meeting was held on January 20, 2021. This meeting was conducted pursuant to California Governor Newsom's Executive Order No. N-29-20 dated March 17, 2020. The public was allowed to participate via teleconference only.

The Siskiyou County Planning Commission meeting was called to order by Chair Melo at 9:00 a.m.

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

**Absent:** Commissioner Hart

**Also Present:** Rick Dean, Community Development Director, Kirk Skierski, Deputy Director of Planning; Rachel Jereb, Senior Planner; Bernadette Cizin, Assistant Planner; Shelley Gray, Assistant Planner; William Carroll, Deputy County Counsel; Janine Rowe, Clerk

**Minutes-November 18, 2020:** It was moved by Commissioner Fowle, seconded by Commissioner Veale, to approve the Minutes from the November 18, 2020, Planning Commission meeting 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 November 18, 2020, Planning Commission meeting.

**Minutes-December 16, 2020:** It was moved by Commissioner Veale, seconded by Commissioner Lindler, to approve the Minutes from the December 16, 2020, Planning Commission meeting as presented.

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

**Unscheduled Appearances: None**

**Conflict of Interest Declaration: None**

**Presentation of Documents: None**

**Public Hearing Protocol:** The Chair reviewed the protocol for conducting the Planning Commission meetings.

JANUARY 20, 2021

**Rights of Appeal Statement:** The Chair advised that projects heard at this Planning Commission meeting may be subject to appeal within ten calendar days of today's meeting (if the 10<sup>th</sup> day falls on a weekend, the appeal must be received the immediate following Monday). He directed interested individuals to contact the County Clerk's Office for information. He advised that if you challenge the environmental review or the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Department at, or prior to the public hearing. The Chair apprised the Commissioners and audience that appeals must be submitted to the County Clerk's Office together with the appeal fee of \$1,250.

**Changes to the Agenda: None**

**Old Business: None**

**New Business:**

**Agenda Item 1: Rowley Use Permit (UP2011) / Categorically Exempt**

The project is a proposed conditional use permit to convert an existing single-family dwelling, residential use, into a vacation rental. The project site is located at 4122 Siskiyou Ave., Dunsmuir on APN: 030-260-370; Township 39N, Range 4W, Section 13, MDB&M; Latitude 41.233°, Longitude -122.269°.

**Categorically Exempt  
Use Permit**

**Adopted  
Approved**

**Staff Report:**

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

Ms. Jereb told the Commission that the Rowleys are requesting use permit approval to allow short-term rental use of their existing single-family dwelling. The property is located on South Summit View Drive with an address of 4122 Siskiyou Avenue adjacent to the city of Dunsmuir. A recommended condition of approval was added to correct the address so the property address would be on the street on which the property is located. The approximate 2,000-square-foot single-family dwelling is on approximately 2.6-acres. The property is within the Rural Residential Agricultural zoning district which allows short-term vacation rentals upon issuance of a use permit. Ms. Jereb said the project is consistent with the General Plan and zoning for its area, and the dwelling passed inspections by both the Building Department and the Environmental Health Department. Even though the square footage of the three bedrooms would accommodate up to 11 guests at any one time, the septic system is only designed for six persons, so the maximum permitted occupancy will be six persons. Four parking spaces are required which are available on the driveway in front of the garage. The project is proposed to be exempt from CEQA per Section 15304 as it is an existing facility and there are no unusual circumstances or future activities which might reasonably result in this project having a significant effect on the environment. No public comments were received, and Environmental Health commented on this project regarding what their requirements were. Staff recommended

JANUARY 20, 2021

that the project be determined categorically exempt and approving the use permit for this project.

**Agency Input: None**

**Commission Questions: None**

Chair Melo said he visited the site.

The Chair opened the Public Hearing.

**Public Input: None**

The Chair closed the Public Hearing.

**Discussion by Commission: None**

**Motion:** Following discussion, it was moved by Commissioner Lindler, seconded by Commissioner Veale, to adopt Resolution PC-2021-001, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Rowley Use Permit (UP2011) and Determining the Project Exempt from CEQA.

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

**Agenda Item 2: Bouchez Use Permit (UP2012) / Categorically Exempt**

The project is a proposed conditional use permit to convert an existing single-family dwelling, residential use, into a vacation rental. The project site is located at 630 South First St, Dunsmuir on APN 030-570-190; Township 39N, Range 4W, Section 36, MDB&M; Latitude 41.194°, Longitude -122.278°.

**Categorically Exempt  
Use Permit**

**Adopted  
Approved**

**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 told the Commission that Lisa Bouchez was requesting approval of a use permit to allow short-term rental use of her existing single-family dwelling located at 630 South First Street adjacent to the city of Dunsmuir. The two-story dwelling is approximately 1,310 square feet and is located on approximately 0.17 acres. Ms. Bouchez submitted an application for a use permit after receiving a Notice to Comply from Siskiyou County Code Enforcement for operating a vacation rental without a use permit and business license. The property is in the Rural Residential Agricultural zoning district which allows short-term rentals upon issuance of a use permit. Ms. Cizin told the Commission that the project is consistent with the General Plan and zoning for its area. The dwelling passed inspections by both the Building Department and the Environmental Health Department. Three bedrooms are proposed as sleeping quarters, one of which does not meet the minimum square footage required. However, based on the square

JANUARY 20, 2021

footage of the two remaining bedrooms, up to five guests could be accommodated at any one time. Three parking spaces are required for this proposed rental which are located in the carport and on the driveway. This project is proposed to be exempt from CEQA per section 15301 as it is an existing facility and there are no unusual circumstances or future activities which might reasonably result in this project having a significant effect on the environment. Environmental Health, Cal Fire and the Treasurer/Tax Collector commented on this project regarding their requirements. One public comment package was received for this project after the staff report was written and was provided to the Commission prior to the meeting. These comments opposed the project because of fire hazard, past violations, COVID-19 concerns, nuisance, and trespass. The majority of these concerns were addressed in the conditions of approval, and the applicant has been made aware of the standard requirements through the application process. The applicant intends to manage the rental. Staff recommended determining the project categorically exempt and approving the use permit for this project.

**Agency Input: None****Commission Questions: None**

Chair Melo said he visited the site.

The Chair opened the Public Hearing.

**Public Input:**

Mr. Craig Foster of Dunsmuir said he and two of his neighbors are opposed to the project for numerous reasons. The applicant was operating the property in question as a vacation rental prior to obtaining a use permit which prompted them to contact Code Enforcement. Another concern was the wood-heated spa on the property, which he admitted had been removed the day before the Planning Commission meeting. Other concerns were contracting COVID-19 from out-of-town guests, guests trespassing on their properties to access the river, noise, and risk of fire, to name a few. Mr. Foster said that currently the property has a long-term renter with whom he and the neighbors have had no problems.

Commissioner Veale asked what the difference was between an Airbnb and a vacation rental. Mr. Skierski explained that rental of an entire dwelling constitutes a vacation rental and requires a use permit. Supplementing one's income by renting a bedroom constitutes an Airbnb which does not require a use permit.

Ms. Anne Marsh of Etna said she is opposed to the project because she believes there are environmental issues that could have a significant impact to the environment. She said she has always been opposed to the way the County handles vacation rentals and does not believe an existing dwelling should be changed into a vacation rental under a CEQA categorical exemption.

The Chair closed the Public Hearing.

**Discussion by Commission:**

Commissioner Lindler asked whether the applicant would still need a use permit since Mr. Foster mentioned a current month-to-month renter and whether they would have to

JANUARY 20, 2021

relinquish their permit if it became long-term or can they go back and forth. Mr. Skierski said they would not need a use permit for a long-term rental, but his interpretation was that the occupants are continual and non-stop. He also stated that use permits do not expire unless there is an end date in the conditions of approval. Otherwise, the County would have to go through the revocation process if the applicant decided to use the property for long-term rentals which are in conflict with the conditions of approval.

The Chair reopened the public hearing to allow the applicant to speak.

The applicant, Lisa Bouchez, said she has only had friends and family stay at the property since July 2020, and the current occupant is scheduled to leave in a few days. Her intention is to use the property as a vacation rental.

The Chair closed the public hearing.

Discussion was held about whether or not a use permit for the vacation rental in question would be compatible for the area. Mr. Skierski pointed out that a lot of the issues raised by the opponents are addressed in the conditions of approval, which also state that the use permit can be revoked if the applicant violates any of the conditions. This would provide an avenue for the neighbors to identify any potential concerns or issues with the use permit as well as provide a process for the County to contact the property owner to ensure they are following the conditions of approval.

Commissioner Lindler expressed concern about fire danger and the vegetation behind the applicant's property that belongs to the adjacent neighbor.

Discussion was held whether the California Fair Plan insurance would cover the applicant's property as a rental, and the applicant stated she has had insurance with the California Fair Plan since March 2019 and has full coverage. Commissioners Fowle and Lindler looked it up and confirmed that CFP does cover rental property.

Discussion was held about whether or not a title search specifies what the property would be used for, which it does not.

Commissioner Fowle asked for the distance between the structure to the fence in front of the wooded area behind the property, and Ms. Bouchez said the fence is her property line and she thought it was about 30 feet. She further said the wooded area is owned by someone who lives down the street.

Commissioner Lindler asked if the use permit would give the County the ability to rectify complaints from neighbors, and Mr. Dean said it would. Mr. Skierski added that Planning staff looked into calls for service to the Sheriff's Department and Code Enforcement as well as Cal Fire. There were no calls to the Sheriff's Department, and the only complaint received by Code Enforcement was the one that led to the applicant receiving a Notice to Comply, which led to the use permit application being discussed today. Cal Fire said they received no calls for service.

JANUARY 20, 2021

In response to Commissioner Lindler's question about who the property manager would be, Mr. Skierski said it would be Ms. Bouchez.

Commissioner Lindler further stated that she sympathized with the landowner who bought the property with the expectation of using it for a vacation rental and she sympathized with the adjacent neighbors. She was also concerned about the fire hazard in the area behind the applicant's property, which is not the landowner's responsibility. However, the applicant has met all the requirements and the use permit would allow the County the ability to enforce the conditions of approval.

**Motion:** Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to adopt Resolution PC-2021-002, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Bouchez Use Permit (UP2011) and Determining the Project Exempt from CEQA.

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

**Items for Discussion/Direction: None**

**Miscellaneous: None**

**Correspondence: None**

**Staff Comments: None**

**Commission Comments:**

Discussion was held about the County being held liable for approving a project that has a high fire hazard risk. Mr. Carroll said the County itself and the Planning Commissioners are immune by statute. The broader concern is protecting neighbors and surrounding properties. One type of protection is the conditional use permit. The second issue is more complex regarding what can be done to protect the property owner and the neighbors and compensating them if something were to happen. Requiring fire insurance could be a condition of approval, but Mr. Carroll said he would feel more comfortable doing more research on that issue before commenting further.

Discussion was held about PRC 4291 requirements and that they are not being enforced. Commissioner Lindler expressed extreme concern about the potential in Siskiyou County for devastating fires and that obtaining fire insurance is becoming more and more difficult.

Commissioner Fowle requested Planning staff to contact Cal Fire and ask them specifically whether they visit a project site when asked to comment on a project, and whether Cal Fire has the ability to contact adjacent property owners if they see a major fuel load on that adjacent property.

Commissioner Veale began discussing a project that was on a prior Planning Commission Agenda, and Mr. Carroll and Mr. Skierski advised that project specifics should not be discussed

JANUARY 20, 2021

since it had not been agendized and the project applicant was not present. Commissioner Veale requested that Planning staff provide an update on the project at the next meeting.

Discussion returned to the potential for devastating fires in the County. Commissioner Fowle asked Planning staff and County Counsel if the County, through the Board of Supervisors, could create an emergency declaration regarding fuel loads in an effort to create a path for State and Federal assistance for private property owners. Mr. Carroll suggested that if the Planning Commission wanted to make a recommendation, it would allow time for Planning staff and County Counsel to review it and present something organized to the Board.

Commissioner Veale asked if a Planning Commissioner could vacate his or her seat in order to make a public comment, and Mr. Skierski said the commissioner would have recuse himself or herself entirely.

**Adjournment:** The meeting was concluded at 10:37 a.m.

Respectfully submitted,

Kirk Skierski  
Secretary

\jr