

Siskiyou County Planning Commission

Regular Meeting

July 21, 2021

The Siskiyou County Planning Commission meeting of July 21, 2021, was conducted pursuant to California Governor Newsom's Executive Order No. N-08-21, Section 42, dated June 11, 2021. Members of the public were allowed to participate in person and via teleconference.

The meeting was called to order by Chair Melo at 9:03 a.m.

Present: Commissioners Veale, Fowle and Melo

Absent: Commissioners Lindler and Hart

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

Minutes: The Clerk pointed out an error in the June 16, 2021, Minutes wherein Commissioner Hart was mistakenly identified as Commissioner Veale in the section listing the commissioners present at the meeting. It was moved by Commissioner Veale, seconded by Commissioner Fowle, to approve the Minutes from the June 16, 2021, Planning Commission meeting after the correction was made.

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

Unscheduled Appearances:

Mr. Aleck Roberts of Yreka asked the Commission whether anything was in the works regarding Siskiyou County no longer taking refuse to Anderson, because he was told the cost is double that of the national average. He was advised by the Commission that is not under the Planning Commission's jurisdiction.

Mr. Carl Snibbe of Yreka said his biggest concern is the traffic mistakenly coming to his house instead of his next-door neighbor's Airbnb. Mr. Snibbe was advised that the project was actually on today's Agenda so he may need to speak again at the time that item comes up on the Agenda.

Conflict of Interest Declaration: None

Presentation of Documents, Availability of Public Records, and Public

Hearing Protocol: The Chair asked those members of the public present in the meeting room as well as to those present via teleconference to review these items on the Agenda.

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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 10th day falls on a weekend, the appeal must be received the following business day). 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

New Business:

Agenda Item 1: Islander Use Permit (UP-21-02) / Categorically Exempt

The project is a proposed conditional use permit to convert an existing single-family dwelling, residential use, into a short-term rental. The project is located at 126 South Second Street in the unincorporated area of Dunsmuir on APN: 030-525-080; Township 39N, Range 4W, Section 36, MDB&M; Latitude 41.201°, Longitude -122.271°.

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 the project proposed to convert the 1,084-square-foot single-family dwelling into a vacation rental. The buildings included the residence as well as a detached garage with a cement driveway but were on two lots (lots 8 and 9). A boundary line adjustment was included in the Conditions of Approval to merge the two lots so the short-term rental would be on one legal parcel.

She said that the property is within the Rural Residential Agricultural (R-R) zoning district which allows short-term rentals upon issuance of a use permit. 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. Two bedrooms were proposed as sleeping quarters, and up to six guests could be accommodated based on the square footage of these bedrooms. Three parking spaces are required for this proposed rental which are on the driveway located on both lots 8 and 9.

She advised the Commission that the project was 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 the project having a significant effect on the environment.

Environmental Health and Cal Fire commented on the project regarding their requirements which were incorporated in the recommended Conditions of Approval.

One public comment was received and included in the staff report. This comment was in opposition to the project due to the frequency of guests, noise, trespass, garbage and fire hazard. Ms. Cizin said the majority of these concerns were addressed in the conditions of

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approval, and the applicant has been made aware of the standard requirements through the application process, including the restriction of outdoor burning. In addition, the applicant has provided a bear-proof trashcan for guests. The applicant has selected Sandra Haugen of Elite Real Estate Group in Mount Shasta as the professional property manager.

**Categorically Exempt
Use Permit**

**Adopted
Approved**

Agency Input: None

Commission Questions:

Commissioner Fowle asked why the boundary line adjustment wasn't part of the project. Mr. Skierski said that it was discovered that there were five legal parcels after the application for the use permit was submitted, which is why the boundary line adjustment became part of the conditions of approval.

The Chair opened the Public Hearing.

Public Input:

Mr. Stephen Islander spoke in support of his application for a use permit and addressed comments submitted by the neighbor who lives next door to his property, Mr. John McKay. Mr. Islander said he has offered to put up a fence multiple times and is still willing to do so. He said they replaced the cracked patio with a deck, and if the location is an issue he is willing to put a patio in front of the house. He said there is no fire pit in the yard, and his other next-door neighbor is vigilant about fire hazards and would call 9-1-1 immediately if she saw sparks. Security cameras on his property that come on at night have not shown any guests out on the patio deck after 10:00 p.m. As far as the remark about sewage in the street is concerned, Mr. Islander said the property is on city water and sewer. He did have Rotor Rooter clean the pipes as a preventative, but it was not because there was a leak.

Mr. John McKay submitted a written comment and requested that it be read during the meeting, so Ms. Jereb proceeded to read it to the Commission. In summary, Mr. McKay's comment was in opposition to the project. He said the property in question is a revolving door of strangers. He said the property is not fenced, and the vacationers' dogs and children come onto his property. He has seen an increase in trash. He said the patio deck is close to his bedroom window and visitors are out there at all hours. He expressed concern about the potential for fire due to the nearby forest and vegetation. He also claimed there was raw sewage in the street that was attributed to the property in question.

Ms. Sandra Haugen of Mount Shasta spoke in support of the project. She said she was the applicant's representative and would be the property manager. She said she screens potential guests and checks the property right after they check out. She said there was one incident of bears getting into trash so they now have a bear-proof garbage can.

In response to Commissioner Veale's question about percent of occupancy in a month's period of time, Ms. Haugen said in the summer it's an average of 75 percent.

There being no further public comment, the Chair closed the Public Hearing.

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Commission Discussion:

Commissioner Fowle said he had an issue with one of the conditions of approval being that the applicant has to build a fence because the neighbor has requested it, which he believes is a civil matter and not a planning matter. Mr. Skierski said it was Staff's opinion that putting up the fence would help with the neighborhood compatibility and that the applicant agreed to and wanted the condition. Mr. Islander spoke again and said he wants to put up a fence along the front and side of his property on the property line so Mr. McKay doesn't have any issue with it.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Adopt Resolution PC2021-014, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Islander Use Permit (UP-21-02) and Determining the Project Exempt from CEQA.

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

Agenda Item 2: Roberts Use Permit (UP-21-03) / Categorically Exempt

The project is a proposed conditional use permit to convert an existing single-family dwelling, residential use, into a short-term vacation rental. The project site is located at 11717 Pythian Cave Road, south of the City of Yreka; APN 022-590-110 Township 43N, Range 6W, Section 7, MDB&M; Latitude 41.596°, Longitude -122.580°.

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Gray. She told the Commission that the applicant was requesting approval of a use permit to allow short-term rental use of his existing 1,680-square-foot single-family dwelling which sits on an approximately 26-acre parcel with an approved septic system and water being provided from an approved ground water well. The property is in a Prime Agricultural and Non-Prime Agricultural (AG-2-B-40) zoning district which allows short term rentals with a use permit, and the project is consistent with the General Plan and zoning for its area. The project passed inspections by both the Building Department and Environmental Health Department with a condition that a certificate of final occupancy and compliance of a partially constructed unpermitted deck is obtained.

Ms. Gray said that six guests can be accommodated based on the square footage of the three bedrooms available in the rental. Four parking spaces are required which are available on the 1,180-square-foot driveway.

She said the 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.

She said Cal Fire commented on this project regarding their requirements.

Ms. Gray told the Commission that the applicant submitted a comment that was received after the staff report was written. Mr. Roberts was operating as a vacation rental prior the submission of his application, and he was requesting an increase in occupancy from the maximum

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allowance of six guests to nine even though the current septic capacity is for six. She said the Planning Department has no objections to the occupancy increase requested by the applicant, but the septic capacity should be increased to support the increase in the number of guests.

She said Staff recommended determining the project categorically exempt and requested that if the Planning Commission consider the increase in occupancy, a condition of approval be added to the motion that the septic capacity should be increased to match the occupancy increase and all necessary permits and requirements have been met before the permit is issued.

Ms. Gray added that there was an error in the numbering on the Conditions of Approval and the numbering should be increased by a factor of one.

**Categorically Exempt
Use Permit**

**Adopted
Approved**

Agency Input: None

Through the Chair, Mr. Dean said he would prefer the wording regarding the increase in capacity of the septic system say *shall* be increased, instead of *should* be increased.

Commission Questions:

Discussion was held about not specifying nine guests being accommodated since it would be dependent upon the capacity and upgrades made to the septic system. There was concern that it might be misconstrued that more than nine guests could be accommodated, but Commissioner Fowle pointed out that it would not be more than nine if the Commission limits the permit to a maximum of nine guests. Based on the square footage of the dwelling, nine guests with an upgrade to the septic system could be accommodated.

The Chair opened the Public Hearing.

Public Input:

Mr. Carl Snibbe of Yreka spoke in opposition to some aspects of the project. He said he would be happy if the occupancy rate remained at six guests, and he would like the Roberts property to be clearly marked so people did not mistakenly come up the driveway to his house. His other issue was with people driving back and forth on the road which is an easement. He contacted the County and was told there was nothing that could be done.

Ms. Laura Maddy of Yreka spoke in support of the project. She said she would be the property manager and that she lives very close to the Roberts' property. As far as the easement is concerned, she said she and her husband are the ones that use it to go back and forth from their property to the Roberts' property. There is also foot traffic from people who stay at the vacation rental and then walk through the easement to her property to see her horses. She said the reason they wanted to increase the guests to nine is because they wanted to make sure that two families could be accommodated which would mostly be comprised of children. She said they have installed lanterns on the property driveway to help direct their renters.

Mr. Aleck Roberts of Yreka, the project proponent, spoke in favor of the project. He told the Commission that he thinks because the vacation rental will not be occupied regularly, the

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current septic capacity was sufficient for nine guests, but he said it would be acceptable to him to increase the capacity if it were made a condition of approval.

Commissioner Veale asked Mr. Roberts about why it is taking so long for him to finish the deck, and Mr. Roberts said he is in the process of making it compliant.

There being no further public comment, the Chair closed the Public Hearing.

Through the Chair, Mr. Dean said he thought it would be pertinent that Environmental Health outline their process and evaluation of the construction and design of a septic system, and he asked Mr. Dan Wessell to explain the process. Mr. Wessell explained how septic systems are designed and said that in Mr. Roberts' case he has a permit for a three-bedroom single-family dwelling which allows for six people. Mr. Wessell said he didn't think it would be a problem for Mr. Roberts to upgrade his system and he was looking at a minor improvement of adding a leach line.

Commission Discussion:

Discussion was held about septic capacity and the number of people that could be accommodated based on the size of the tank.

Commissioner Veale said he was concerned about the dust being generated by people traveling on the road. Discussion was held about the fact that Pythian Cave Road is on the Roberts' property and Mr. Roberts said he granted an easement to the properties above his.

Discussion was held regarding the correction in numbering on the Conditions of Approval.

Further discussion was held about modifying the conditions of approval to reflect that the septic would have to be upgraded to allow for nine guests to the satisfaction of Environmental Health, and until that occurs, a maximum of six guests would be allowed.

Commissioner Veale proceeded to make a motion to approve the project based on the Conditions of Approval as presented today by Staff. Before the motion was seconded, further discussion was held about giving the project proponent the opportunity to upgrade the septic system in the future to allow for nine guests. Discussion was held about the process the applicant would have to go through if the project were only approved to allow for only six guests.

After discussion, Commissioner Veale's motion was rescinded.

Commissioner Fowle said he would make the motion with the condition that the project proponent would have the ability to have nine guests as long as the septic was improved accordingly.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to Adopt Resolution PC2021-016, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Roberts Use Permit (UP-21-03) and Determining the Project Exempt from CEQA with the condition that the numbering be corrected on the Conditions of Approval starting with Condition of Approval 11, and secondly, that Condition of Approval 2 read, "In no instances shall occupancy exceed six persons unless the septic system is improved to the satisfaction of Environmental Health to allow a maximum of nine."

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Before the motion was voted upon, more discussion was held regarding ingress/egress and evaluating the parking in the event the maximum number of guests were increased to nine. Commissioner Fowle pointed out that the property is on 26 acres so there is likely adequate parking.

Voted upon and the Chair declared the motion carried by those commissioners present, with the exception of Commissioner Veale who voted against the motion.

Agenda Item 3: Miller Use Permit (UP-21-07) / Categorically Exempt

The project is a proposed conditional use permit to allow a short-term vacation rental use within an existing single-family dwelling. The project site is located at 2939 Squaw Valley Road in the unincorporated community of McCloud; APN 028-450-070 Township 39N, Range 3W, Section 24, MDB&M; Latitude 41.216°, Longitude -122.149°.

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Gray. She told the Commission that the applicant was requesting approval of a use permit to allow short-term rental of their existing single-family 1,976-square foot dwelling which sits on approximately 1.10 acres. Water is provided by an approved groundwater well and septic system. The property is in the Rural Residential Agricultural (R-R-B-2.5) which allows short-term rentals with a use permit and is consistent with the General Plan and zoning for its area.

The dwelling passed inspections by the Building Department and the Environmental Health Department. The dwelling has three bedrooms and based on the square footage, up to six guests can be accommodated. The four required parking spaces are available on the east side of the dwelling. The property will be managed by a Siskiyou County resident or a professional property management firm located in Siskiyou County. The 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 affect on the environment.

No public comments were received as of the date the staff report was written. Environmental Health and Cal Fire commented on this project regarding their requirements. Staff recommended that the project be determined categorically exempt and approving the use permit for this project.

**Categorically Exempt
Use Permit**

**Adopted
Approved**

Agency Input: None

The Chair opened the Public Hearing.

Public Input: None

There being no public comment, the Chair closed the Public Hearing.

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Commission Questions/Discussion:

Commissioner Fowle asked about the location of the well and parking spot number 5 and whether the well was subsurface with a line running in, or whether it was sticking up out of the ground behind where a car would be parking. The project proponent, Joshua Miller, responded that the well is subsurface, and the pressure tank is located under the house. There are K-rail blocks and reflective markers around it.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Adopt Resolution PC2021-017, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Miller Use Permit (UP-21-07) and Determining the Project Exempt from CEQA.

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

Agenda Item 2: Narasimhan Use Permit (UP-21-08) / Categorically Exempt

The project is a proposed conditional use permit to convert an existing single-family dwelling, residential use, into a short-term rental. The project site is located at 1001 Rockfellow Drive in the unincorporated community of Mt. Shasta; APN 037-170-490; Township 40N, Range 2W, Section 15, MDB&M; Latitude 41.319°, Longitude -122.297°.

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 the applicants are requesting approval of a use permit to operate a vacation rental in their 1,195-square-foot single-family dwelling with a detached garage. The property sits on an approximately 2.92-acre parcel.

The property is within the Rural Residential Agricultural (R-R-B-2.5) zoning district which allows short-term rental use with a use permit. The project is consistent with the General Plan and zoning for its area.

The dwelling passed inspection by the Environmental Health Department. Two rooms are proposed as sleeping quarters, one of which is a bedroom that has been converted from a den. The remodel permit for the conversion is currently under review by the Building Department. A final inspection for the remodel and a vacation rental reinspection must be passed prior to the use permit being issued as a recommended condition of approval.

Based on the square footage of the two bedrooms, up to five guests could be accommodated at any one time. However, the septic system is designed for a maximum of four persons, so the maximum permitted occupancy is four. The three required parking spaces are located on the driveway.

The 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 affect on the environment.

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Environmental Health and Cal Fire commented on this project regarding their requirements which have been included in the recommended Conditions of Approval. One public comment and the applicant's rebuttal to that comment were received for this project after the staff report was written and were provided to the Commissioners prior to the meeting. The comment was in opposition of the project due to frequency of new guests, garbage and the devaluation of the neighborhood properties. The majority of these concerns are addressed in the conditions of approval.

Staff recommended determining the project categorically exempt and approving the use permit.

**Categorically Exempt
Use Permit**

**Adopted
Approved**

Agency Input: None

Commission Questions: None

The Chair opened the Public Hearing.

Public Input:

Mr. Russell Greve of Mount Shasta spoke against the project. He lives next door to the property and said it is currently being used as a vacation rental, and there are more than four people staying in the home. He said there are problems with garbage not being secured. He said their residential area is becoming commercial with the allowance of vacation rentals. He said people are outside talking at all hours of the day and night.

Mr. Eric Olson of Mount Shasta spoke against the project. He said the property has become a motel and not a single-family dwelling. He said soon after the property was sold it became a vacation rental, and the ad is still listed on the website. He said garbage has been left out in the street and it attracts animals. He is still finding little pieces of trash around long after bears got into the garbage can. He said there is increased traffic and noise. He said the owner listed the property as their home address, but they do not live there.

Mr. Gaurav Narasimhan, the project proponent, spoke in support of the project. He said he was saddened to hear the previous comments. He said he and his wife want to use the property as a vacation rental until they retire and move to Mount Shasta. He said he was surprised to hear about problems with trash. He said he knew of two issues with trash and their property manager addressed them. He wants guests to have quality experiences at the property.

Ms. Karen Vickstrom of Mount Shasta, spoke against the project. She said her property shares a fence with the Narasimhan property. She said she shares some of the concerns expressed by other opponents to the project. She was concerned about guests at the vacation rental not being aware of fire danger. She said she would like to meet the Narasimhans and hear what their plans are. She said she is concerned about noise, dogs barking, and trash.

Ms. Sandra Haugen of Mount Shasta, the proposed property manager of the proposed vacation rental, spoke in support of the project. She said she is a neighbor to the proponent's property. She said there were a couple incidents with trash. She said the property can currently only be rented for 30 days or more. She said Shastice Park is across the street so there is noise coming from there. She has the cellphone number for the owner of the trash pickup business

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and often has to call for a special pickup. She said people knows who she is because her office is downtown.

There being no further public comment, the Chair closed the Public Hearing.

Commission Discussion:

Discussion was held about the pros and cons of vacation rentals versus long-term rentals. Commissioner Fowle thanked Ms. Haugen for being present at the meeting.

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to Adopt Resolution PC2021-018, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Narasimhan Use Permit (UP-21-08) and Determining the Project Exempt from CEQA.

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

Old Business: None**Items for Discussion/Direction: None****Miscellaneous:**

1. **Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, August 18, 2021, at 9:00 a.m.
2. **Correspondence: None**
3. **Staff Comments: None**
4. **Commission Comments:** Commissioner Veale asked for the status of a Planning Commission project being appealed to the Board of Supervisors.
Commissioner Fowle alluded to some forthcoming events that may impact property owners' rights, particularly in the Shasta and Scott Valleys.

Adjournment: The meeting was concluded at 10:51 a.m.

Respectfully submitted,

Signature on file

Kirk Skierski
Secretary