

## Siskiyou County Planning Commission

### Regular Meeting

### December 15, 2021

The Siskiyou County Planning Commission meeting of December 15, 2021, was called to order by Vice Chair Lindler at 9:00 a.m. in the Board of Supervisors' Chambers, 311 Fourth Street, Yreka, California.

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

**Absent:** Commissioners Hart and Melo

**Also Present:** Rick Dean, Community Development Director; Hailey Lang, Deputy Director of Planning; Rachel Jereb, Senior Planner; Bernadette Cizin, Assistant Planner; Shelley Gray, Assistant Planner; Dan Wessell, Deputy Director of Environmental Health (via teleconference); William Carroll, Deputy County Counsel; Janine Rowe, Clerk

**Minutes:** Approval of the Minutes from the November 17, 2021, Planning Commission meeting was postponed to the January meeting due to lack of a quorum at today's meeting of Commissioners who were present at the November meeting. It was moved by Commissioner Fowle, seconded by Commissioner Veale, to continue approval of the November Planning Commission Minutes to the January 19, 2022, Planning Commission meeting.

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

**Unscheduled Appearances:** None

**Conflict of Interest Declaration:** Vice Chair Lindler said she has a client, Michael Thamer, who is the father of two of the project applicants in the Thamer Tentative Parcel Map (TPM-21-01) project. County Counsel William Carroll said that because the project applicant is not a source of income for Vice Chair Lindler, there would not be a conflict.

Vice Chair Lindler then advised the Commission that she knows Khamsy Bowles who is the project applicant in the Bowles Use Permit (UP-21-18) project but does not have a financial relationship with her. Mr. Carroll advised that as long as Vice Chair Lindler did not feel she would be biased in her decision, then there would not be a conflict. Vice Chair Lindler said she could be fair in her decision.

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

**Hearing Protocol:** The Vice 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 Vice 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 following business day). She directed interested individuals to contact the County Clerk's Office for information. She 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 Vice 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:**

Staff requested a continuance of the Purvis Zone Change (Z-21-07) project to the January 19, 2022, Planning Commission meeting because they were unable to get it ready in time for today's meeting.

It was moved by Commissioner Veale, seconded by Commissioner Fowle, to continue the Purvis Zone Change (Z-21-07) project to the January 19, 2022, Planning Commission meeting.

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

Before commencing the presentation of projects, Community Development Director Rick Dean introduced Ms. Hailey Lang as the new Deputy Director of Planning for the Siskiyou County Community Development Department.

### **Old Business:**

#### **Agenda Item 1: Surface Mining and Reclamation Act (SMARA) Ordinance Update (Z-21-09)**

The project encompasses all parcels in the unincorporated area of Siskiyou County, California. The project area (i.e., unincorporated Siskiyou County) is roughly centered on Section 17 of Township 44 North, Range 7 West of the Mount Diablo Meridian.

The proposed project is a comprehensive update to the County's Surface Mining and Reclamation Ordinance in order to be consistent with the State's Surface Mining and Reclamation Act "SMARA" (Public Resources Code Sections 2710 et seq.). The County adopted the current version of its Surface Mining and Reclamation Ordinance back in 2015. However, the State of California has passed subsequent legislation further amending and updating SMARA. The proposed amendments will ensure the County's Surface Mining and Reclamation Ordinance is consistent with the regulations of SMARA. The proposed amendments to the County's Surface Mining and Reclamation Ordinance only include the provisions currently prescribed in SMARA and do not include any amendments that would be more restrictive than the State. The proposed amendments are the minimum necessary to ensure the County's Surface Mining and Reclamation Ordinance is consistent with SMARA.

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The Planning Commission shall review and forward its recommendation to the Board of Supervisors who will be the final review authority of the proposed Ordinance update.

**Categorically Exempt  
Zone Change**

**Recommending Adoption  
Recommending Approval**

**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 advised the Commission that the project is an update to the County's local ordinance in order to bring it in line with the State's Surface Mining and Reclamation Act (SMARA). The County's SMARA ordinance was last updated in 2015, and the State has since passed legislation amending and updating SMARA. The proposed amendments to the County's SMARA ordinance include the provisions currently prescribed in SMARA as well as maintaining the County's current appeals procedure. The proposed amendments are the minimum necessary to ensure the County's SMARA ordinance is consistent with the State SMARA.

Ms. Cizin advised the Commissioners that Staff conducted research and met with the State Division of Mining to discuss the interpretation of SMARA and how it would apply to stream bed skimming, and it was determined that such projects would fall under SMARA as there are no exemptions currently written that would apply. However, there is an option for landowners to apply directly to the State Mining and Geology Board for a one-time exemption for projects that are determined to be of an infrequent nature and involve only minor disturbances.

Ms. Cizin said the other concern regarding proposed language of Section 10-5.102(b)(8) and how it would apply to cooperatively maintained roads and those roads that are within the buffer of Class One and Two watercourses, the language for this exemption is taken directly from PRC 2714 (j)(1) and it has been determined that it would apply to cooperatively maintained roads.

**Agency Input:** None

The Vice Chair opened the Public Hearing.

**Public Input:** None

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

**Commission Questions / Discussion:**

Commissioner Fowle expressed his appreciation for Staff researching the Commission's concerns expressed at the October Planning Commission meeting. He also said that although he was not happy about the ordinance, he recognized that the County has to follow State requirements. He wanted it noted that he was still concerned about the overreach of the State and the newly adopted language in the SMARA document.

**Motion:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to adopt Resolution PC-2021-023, A Resolution of the Planning Commission of the County of Siskiyou, State of California, recommending the Board of

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Supervisors adopt the proposed Ordinance amending Chapter 5 of Title 10 of the Siskiyou County Code regarding the County's Surface Mining and Reclamation Ordinance.

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

**Ayes:** Commissioners Fowle, Veale and Lindler

**Noes:**

**Absent:** Commissioners Hart and Melo

**Abstain:**

### **New Business:**

#### **Agenda Item 1: Bowles Use Permit (UP-21-18) / 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 5804 Jackson Ranch Road, Weed, CA on APN 109-190-050; Township 42N, Range 5W, Section 13, M.D.M.; Latitude 41.492°, Longitude -122.368.

**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. Gray.

Ms. Gray told the Commission that the project property is located approximately four miles north of the city of Weed and is situated on a 10-acre parcel that is developed with a primary and secondary dwelling. The primary dwelling is proposed as the short-term vacation rental, and it is approximately 2,116 square feet with two bedrooms. The property is within the non-prime agricultural zoning district and is consistent with the General Plan. The Building Division and Environmental Health Division inspected the dwelling and required that a condition of approval include receipt of a certificate of final occupancy and compliance for two unpermitted decks. Both bedrooms are proposed as sleeping quarters and based on the existing capacity of the septic system, up to six guests can be accommodated. The three required parking spaces are located on the north side of the residence.

The project was proposed to be exempt from CEQA pursuant to Section 15301. Cal Fire also commented regarding their requirements.

**Agency Input:** None

The Vice Chair opened the Public Hearing.

**Public Input:** None

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

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**Commission Questions / Discussion:**

In response to Commissioner Veale's question regarding how a project applicant goes about complying with Cal Fire's 4290 requirements, Ms. Gray responded that Staff informs the project applicant that they need to contact Cal Fire for an inspection.

Commissioner Fowle was concerned that the language in Condition of Approval number 3 would prevent the property owner from exercising their Second Amendment rights. Discussion was held that Condition of Approval number 3 needed to be revised so it clearly applied to the short-term renter only and not the property owner.

Vice Chair Lindler asked about law enforcement service call history. Ms. Gray responded that the Sheriff's Office was contacted about a marijuana grow taking place on the property, but the property owner responded promptly and it was resolved.

**Motion:** Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to adopt Resolution PC-2021-029, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Bowles Use Permit (UP-21-18) and Determining the Project Exempt from CEQA, with the revisions made in regard to Firearms in Condition of Approval 3.

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

**Agenda Item 2: Thamer Tentative Parcel Map (TPM-21-01) / Categorically Exempt**

The project site is located on South State Highway 3, north and west of the community of Callahan on APNs 031-220-370, 031-220-490, 031-220-510, 031-220-520, 031-020-360 and 031-020-420; Township 40N, Range 9W, Section 12 MDB&M; Latitude 41.332°, Longitude - 122.820°.

**Categorically Exempt  
Tentative Parcel Map**

**Adopted  
Approved**

**Staff Report:**

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

Ms. Cizin told the Commission that the project applicants were requesting approval of a tentative parcel map to subdivide an existing 250-acre parcel into one 134 and one 116-acre parcel. The two proposed parcels are within the Rural Residential Agricultural and Prime Agricultural zoning districts, and the most restrictive Prime Agricultural zoning district is the most restrictive which allows a minimum parcel size of 80 acres.

Both Parcels A and B are accessed from a private road which the applicants proposed to name Sugarcat Drive. Parcel B can also be accessed by an existing private road that the applicants propose to name South Valley Drive.

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Both proposed parcels are developed with single family dwellings, accessory structures and agricultural uses. The project is consistent with the Subdivision Map Act, General Plan, Scott Valley Area Plan and zoning.

The project was proposed to be exempt from CEQA pursuant to Sections 15061(b)(3) and 15301(c). No public comments were received. Environmental Health, Cal Fire, Public Works, the Treasurer-Tax Collector and Fish and Wildlife commented on the project regarding their requirements.

**Agency Input:** None

The Vice Chair opened the Public Hearing.

**Public Input:**

Mrs. Anne Hilton of Callahan, one of the project proponents, spoke in support of the project. Ms. Hilton and her husband live on Parcel B and are developing a large-scale peony farm. Their brother resides on Parcel A, and their intention is to not burden him with any potential liability from the peony farm.

There being no further input, the Vice Chair closed the Public Hearing.

**Commission Questions / Discussion:**

Discussion was held regarding why California Department of Fish and Wildlife commented regarding a 1600 Lake and Streambed Alteration Agreement on the property since there is only an irrigation ditch on the property. Commissioner Fowle said that the County should not be telling a project proponent that there may be a condition of approval for a tentative parcel map for a permit that does not apply to it. County Counsel William Carroll said that it was redundant, because if somebody needs a 1600 permit or an alteration agreement, regardless of whether it's a condition, it's going to be required by State law. But it should not be a condition of approval of the project.

It was determined that Condition of Approval 6 should be removed from the Conditions of Approval list, unless it's determined that it is a necessary requirement.

**Motion:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to adopt Resolution PC 2021-030, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Project Exempt from the California Environmental Quality Act and Approving the Thamer Tentative Parcel Map TPM-21-01), with the correction of striking Condition 6 and adjusting the subsequent conditions numerically in order.

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

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**Agenda Item 3: Trinity Asset Holdings Tentative Parcel Map (TPM-21-04) / Categorically Exempt**

The project site is located north of US Highway 97, east of the Lake Shastina subdivision, on APNs 019-060-050, 019-060-060, 019-060-070, 019-060-120, and 019-060-310; Township 43 North, Range 4 West, Sections 29, 32, and 33, MDB&M. The applicant is requesting a Tentative Parcel Map to create five new parcels ranging in size from 160 acres to 640 acres from an existing 1532-acre parcel. The proposed new parcels would follow the existing assessor parcel boundaries.

**Categorically Exempt  
Tentative Parcel Map****Adopted  
Approved****Staff Report:**

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

Ms. Jereb told the Commission that the project applicant was requesting approval of a tentative parcel map to subdivide an existing 1,532-acre parcel into four parcels and a remainder. The subject parcel is located north of Highway 97 and east of the Lake Shastina subdivision and is zoned for non-prime and prime agricultural uses. All proposed parcels exceed the 40-acre minimum parcel size for the zoning districts. Access to all five proposed parcels would be via a 60-foot-wide road easement that the applicant proposed to name Red Deer Lane with Cougar Flat Road as a second choice. Staff has no objection to either proposed name. The proposed remainder parcel also has access to Juniper Terrace Road.

The project is consistent with the Subdivision Map Act, General Plan, and Zoning for its area. The project is proposed to be exempt from CEQA pursuant to section 15061(b)(3). No public comments were received for this project. Environmental Health and Cal Fire commented on this project regarding their requirements.

**Agency Input: None**

The Vice Chair opened the Public Hearing.

**Public Input:**

Mr. Robert Martin of Montague, project land surveyor, spoke in support of the project. He said he wanted to mention that all the parcels existed on their own at some point in the past, and they ended up getting merged through the development of Lake Shastina and/or the Juniper Valley Subdivision.

Mr. Charlie Blackburn of Klamath Falls, project proponent, said he was available to answer questions.

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

**Commission Questions / Discussion:**

Discussion was held regarding Whitney Creek and whether it has water. Mr. Martin said it has water every now and then and it flooded last summer due to heavy rains.

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**Motion:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to adopt Resolution PC-2021-031, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Project Exempt from the California Environmental Quality Act and Approving the Trinity Asset Holdings Vesting Tentative Parcel Map (TPM-21-04).

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

**Items for Discussion/Direction:** None

**Miscellaneous:**

1. **Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, January 19, 2022, at 9:00 a.m.
2. **Correspondence:** None
3. **Staff Comments:** Mr. Dean said that there was some interest expressed by the Planning Commission in reference to the Sirois Use Permit project regarding why the Board of Supervisors overturned the Commission's denial of the use permit. He said the Board approved the project and added another condition that the permit would be effective for seven years, and after that the property owners would have to reapply for the use permit. Additionally, the timeframe for when the event could be held could be expanded to include the month of May upon approval by the Community Development Director. Ms. Jereb added that the applicants have not yet met all the conditions of approval.
4. **Commission Comments:** Commissioner Veale asked whether the County redistricting has been established, and Commissioner Fowle said that Supervisor Valenzuela's district has lost some of its population and Supervisor Kobseff's district has gained some population.

**Adjournment:** The meeting was concluded at approximately 10:03 a.m.

Respectfully submitted,

***Signature on file***

Hailey Lang, Secretary

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