

**Siskiyou County Planning Commission**  
**Regular Meeting**  
**June 15, 2022**

The Siskiyou County Planning Commission meeting of June 15, 2022, was called to order by Chair Lindler at 9:00 a.m. in the Board of Supervisors Chambers, 311 Fourth Street, Yreka, California.

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

**Absent:** Commissioner Hart

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

**Minutes:**

**April 20, 2022:** It was moved by Commissioner Fowle, seconded by Commissioner Veale, to approve the Minutes from the April 20, 2022, Planning Commission meeting as presented.

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

**May 18, 2022:** It was moved by Commissioner Melo, seconded by Commissioner Fowle, to approve the Minutes from the May 18, 2022, 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, 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.

**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 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 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: Ledesma Use Permit (UP-22-03) / 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 is located at 1324 Alves Road, north of the city of Weed on APNs: 021-160-030, 021-170-390, 021-170-160; Township 41N, Range 5W, Section 11; Latitude 41.4075°, Longitude -122.3753°.

### **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 applicant, Griselda Ledesma, requested a use permit to convert a 3,300-square-foot single-family dwelling into a vacation rental. The house sits on 10.5 acres that is zoned Non-Prime Agricultural (AG-2) and Rural Residential (R-R-B-1). The project is consistent with the General Plan and zoning for its area. Inspections were done by the Building Division and the Environmental Health Division on March 18 and March 30, 2022. The five required parking spaces are located adjacent to the house. Four bedrooms are proposed as sleeping quarters which can accommodate 19 guests, but County Code limits vacation rentals to a maximum of 10 guests at a time. However, the septic system is only adequate for 6 persons. Staff recommends that upon upgrade of the septic system and approval by Environmental Health, occupancy be increased to a maximum of 10 guests.

Ms. Jereb said the project is exempt from CEQA pursuant to Section 15301, Existing Facilities. No public comments were received when the Staff Report was written, but one comment in opposition to the project was received after the Staff Report was published. Ms. Jereb recommended that the Commission adopt the categorical exemption and approve the use permit.

**Agency Input:** None

**Commission Questions:** None

The Chair opened the Public Hearing.

### **Public Input:**

Ms. Barbara Hegdal of Weed emailed her comment in opposition and requested that it be read at the meeting so Ms. Jereb read it. Ms. Hegdal expressed concern that the property was up for sale and it appeared that Ms. Ledesma would not be the homeowner by the time the property is rented as a vacation rental. She was also concerned about how many people would be allowed to stay, whether pets would be allowed, and how many cars would be using the unpaved road leading to the house.

Ms. Griselda Ledesma of Fremont, the project proponent, said some of Ms. Hegdal's concerns were addressed in the staff report. Ms. Ledesma said she purchased the property as a second home and wants to use it as a vacation rental. She said she has a property manager that lives within five minutes of the property. Ms. Ledesma said there were a lot of challenges and she had to learn a lot when she bought the property. She did put it up for sale but because she loves the area, she is "sticking to it" and hopes to be here for a few years.

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

**Commission Discussion:** Commissioner Veale remarked that the use permit will stay with the property and not the landowner.

**Motion:** Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Veale, to Adopt Resolution PC-2022-012, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Ledesma Use Permit (UP-22-03) and determining the Project Exempt from CEQA.

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

**Agenda Item 2: Avenue3 Funding LP Tentative Parcel Map (TPM-22-02) / Categorically Exempt**

The project site is located south of Kidder Creek Road and east of Earl Smith Place, approximately 1-mile west of the unincorporated community of Greenvine on APN: 024-230-370; Township 43 North, Range 9 West, Section 30, MDBM; Latitude 41.5452°, Longitude -122.9276°. The applicant is requesting Tentative Parcel Map approval to create four new 10.18-acre parcels with a 10.18-acre remainder parcel from an existing 50.9-acre parcel.

**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 said the applicants were seeking approval of the subdivision of a 50.9-acre parcel into 4 parcels and a remainder. The proposed parcels exceed the minimum for the zoning district. Access to all 5 parcels would be via Earl Smith Place which is a 60-foot wide private road, and Parcel A also has access to Kidder Creek Road. Ms. Jereb said the project is consistent with the Subdivision Map Act, General Plan, Scott Valley Area Plan and zoning for the area. The project was proposed to be exempt from CEQA.

No public comments were received, and the Environmental Health Division and Cal Fire commented regarding their requirements.

**Agency Input: None**

**Commission Questions:**

Commissioner Veale wanted to know potentially how many housing units would be allowed because he was concerned about there being a shortage of water. Discussion was held that a resolution was passed at the Board of Supervisors level specifically looking at the dynamics of the Scott Valley aquifer, basin, etc. With the use of water for all uses, it was determined that wells for domestic use for homes is de minimis.

Discussion was held regarding the fact that further division of the lots would have to be approved by the Planning Commission.

The Chair opened the Public Hearing.

**Public Input:**

Trevor Eastlick of Yreka is the project surveyor. Mr. Eastlick said he prepared the parcel map and thinks it's good for the Valley. He said it is difficult to find affordable housing without subdivisions. Mr. Eastlick said he would like to include the flood plain and historic artifacts notes on the parcel map. Ms. Jereb said Staff had no objection to that request.

Discussion was held that the remainder parcel is within the 100-year flood zone.

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

**Commission Discussion:** More discussion was held about the property in question being further subdivided. Commissioner Veale does not believe that subdivisions are what was intended when the Scott Valley Area Plan was created.

Through the Chair, Ms. Jereb pointed out that if the applicant applies for further splitting of the subject parcels, a tentative subdivision map would be required which has higher standards.

Discussion was held regarding the fact that landowners have the right to do what they want with their land. If farmers and ranchers can't make a living because of the lack of water, selling off their properties will become more common.

Commissioner Fowle directed Staff to send this project to the State Water Resources Control Board to demonstrate that if the State continues to curtail water usage by ranchers and farmers, division of open space will become more common and eliminate the way of life for Scott Valley ranchers and farmers.

**Motion:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to Adopt Resolution PC 2022-015, 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 Avenue3 Funding LP Vesting Tentative Parcel Map (TPM-22-02).

**Voted** upon and the Chair declared the motion carried by Commissioners Fowle, Melo and Lindler, with Commissioner Veale opposing.

The Chair called for a brief recess at 9:40 a.m.

The meeting went back on record at 9:55 a.m.

**Old Business:**

**Timberhitch Quarry (SP-22-01) / Categorically Exempt**

The project site is located within Butte Valley, a quarter-mile east of State Highway 97, and one mile south of Little Shasta/Ball Mountain Road on APNs 011-250-170 and 011-280-290; Township 45N, Range 2W, Sections 11,12 and 14 MDB&M; Latitude 41.594°, Longitude -122.407°.

**Categorically Exempt  
Reclamation by County**

**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 before them is for the Commission to determine if Butte Creek Minerals Ltd. is financially capable to reclaim the Timberhitch Mine in accordance with the existing reclamation plan. She said that Staff met with the parties via Zoom on June 7, 2022, and the FACE and required contents of the FACE were discussed. All parties had the opportunity to discuss their concerns about site access and the scope of the cost of the estimate. Staff worked to compile information for an estimate of the cost to reclaim the mine site per the requirements of SMARA, and Staff and the parties received the estimate on June 9, 2022.

Ms. Cizin told the Commission that Staff talked with Mr. McMillan immediately following the May Planning Commission meeting and explained the requirements to become compliant, and Staff emailed the documents and links available online to Mr. McMillan on May 31, 2022.

Ms. Cizin said that by the time of the June Planning Commission meeting, a new operator had not been established to take on the responsibility of the mine site, and the current operator, Butte Creek Minerals Ltd., has failed to provide the lead agency with an updated financial assurance since 2015. The operator also failed to provide sufficient information to demonstrate financial capability, so Staff recommended that the Planning Commission find that the operator is incapable of completing reclamation in accordance with the approved reclamation plan, direct Staff to cause forfeiture of the financial assurance for reclamation of the mine site, and determine the project exempt from CEQA pursuant to Section 15321.

**Agency Input: None**

**Commission Questions:** Commissioner Veale asked how the current figure of \$71,000 was arrived at. Ms. Cizin explained that \$40,000 is the quote received from NorthState Recycling to remove the scrap from the mine site. The FACE included costs of prevailing wage and rental costs, but because the estimate to remove the equipment was so high, it increased the indirect costs because those are percentages. So when the \$40,000 was added, costs significantly increased.

The Chair opened the Public Hearing.

**Public Input:**

Mr. Jack Williamson of Macdoel said there is a long history of being in a lawsuit with the McMillans. The injunction they have is to protect them from the McMillans coming onto the property because of their non-compliance on the mine site. Mr. Williamson said they tried to meet with the senior Mr. McMillan when he was alive in order to buy the mineral grant deed, but he was asking \$9 million and then reduced the price to \$6 million. Mr. Williamson said all they want to do is get the mine closed up so they can move on with their lives.

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

Before Commission Discussion, Mr. Carroll wanted to clarify that his position in this project is to advise the Planning Commission. Ms. Natalie Reed's role is to represent Planning Staff.

**Commission Discussion:**

The Commissioners discussed various items. Discussion was held regarding whether or not the son, Clif McMillan IV, was authorized to perform reclamation of the mine site, whether or not Butte Creek Minerals has the financial means to reclaim the mine site, and the current cost of reclamation being \$71,000. Also discussed was the process of reclaiming the mine site if the Commission approved the recommended motion to find the operator financially incapable. Discussion was held regarding the legal owner of the scrap, its value, and its removal from the mine site.

Discussion was held about the injunction filed by the Williamsons and that it is a civil issue between the Williamsons and the McMillans. Even if Mr. McMillan were to submit a Statement of Responsibility, he would not be able to begin reclamation until the injunction is resolved. Thus, the County would still be responsible.

Discussion was held about what is involved with reclaiming the area including distributing piles, reseeding the area, etc.

Discussion was held regarding the fact that the McMillan Trust is not the mine operator, thus leaving Patsy McMillan as the sole shareholder of Butte Creek Minerals, Ltd.

**Motion:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to Adopt Resolution PC-2022-013, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Project Exempt from the California Environmental Quality Act, finding the operator is financially incapable of reclaiming the mine site in accordance with the approved Reclamation Plan and the County intends to cause forfeiture of the financial assurances for reclamation of the site Timberhitch Special Project (SP-22-01).

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

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

**Noes:**

**Absent:** Commissioner Hart

**Abstain:**

**Items for Discussion/Direction: None**

**Miscellaneous:**

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, July 20, 2022, at 9:00 a.m.
- 2. Correspondence: None**
- 3. Staff Comments:**

Ms. Lang told the Commission that during the May Planning Commission meeting, there was a question regarding whether or not an adjacent property owner was notified of a project being heard at that meeting. The project was the Lopez-Garcia Use Permit (UP-21-32), and Mr. Robert Hawkins phoned into the May meeting and said he did not receive notification of

the hearing. After the May meeting, Staff checked the file and Mr. Hawkins is indeed listed on the 300-foot adjacent property owners list, and a Notice of Public Hearing was mailed to Mr. Hawkins on May 2, 2022. The Commission Clerk added that the Notice had not been returned by the Post Office as of the date of the June Planning Commission meeting.

Mr. Dean told the Commission that there were some discrepancies found in the noise and traffic studies on the Kidder Creek Orchard Camp draft EIR, so the noise study is being recirculated but it will still meet the deadline to be heard at the August 17, 2022, Planning Commission meeting.

#### **4. Commission Comments:**

Commissioner Fowle said he was contacted by someone who purchased a portion of a ranch that was under the Williamson Act contract. One of the uses by the former owner was timber production which is an agricultural use. The new owner received a notice of non-renewal of the contract from the County and wanted to know why. Ms. Cizin explained that under the County's rules for Williamson Act contracts, the new owner needs to establish a new contract and designate the primary agricultural use of the property. If the new owner didn't provide that on the survey, Staff caught it because it was a significant change from the original use designated in the original contract. Ms. Cizin said the process would be that the new owners need to go through the process of obtaining a contract amendment in order to create their own contract with the designated use.

**Adjournment:** The meeting was concluded at approximately 11:15 a.m.

Respectfully submitted,

***Signature on file***

Hailey Lang, Secretary