

## Siskiyou County Planning Commission Regular Meeting December 21, 2022

The Siskiyou County Planning Commission meeting of December 21, 2022, was called to order by Chair Lindler at 9:00 a.m. at the Board of Supervisors Chambers, 311 Fourth Street, 2<sup>nd</sup> Floor, 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; Dan Wessell, Deputy Director of Environmental Health; Rachel Jereb, Senior Planner; Shelley Gray, Assistant Planner; William Carroll, Deputy County Counsel; Janine Rowe, Commission Clerk

### Minutes:

**October 19, 2022:** It was moved by Commissioner Melo, seconded by Commissioner Fowle, to approve the Minutes from the October 19, 2022, Planning Commission meeting as presented.

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

**November 16, 2022:** It was moved by Commissioner Fowle, seconded by Commissioner Melo, to approve the Minutes from the November 16, 2022, Planning Commission meeting with Commissioner Fowle requesting that a change be made to Commissioner Lindler's vote on the Kidder Creek Orchard Camp project (Z1401/UP1115) from Abstain to Absent.

**Voted** upon and the Chair declared the motion carried unanimously by those Commissioners present, with Chair Lindler abstaining since she was absent for part of the meeting.

**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 those present via teleconference to review these items on the Agenda.

**Rights of Appeal Statement:** The Chair directed those present to review the Right of Appeal Statement contained in the Agenda.

### Changes to the Agenda:

#### DeGray Tentative Parcel Map (TPM-22-05) / Categorically Exempt

The project site is located at 1633 Davis Place Road, northwest of the city of Mt. Shasta on APN: 030-020-250; Township 40N, Range 5W, Section 12 MDBM; Latitude 41.3340°, Longitude -

122.3677°. The applicant is requesting Tentative Parcel Map approval to subdivide an existing 5.44-acre parcel into two parcels (2.72 acres, each).

Staff requested that the project be continued to a date uncertain and it will be re-noticed.

## **New Business:**

### **Agenda Item 1: Wengen Group Use Permit (UP-22- / 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 1424 Eddy Drive, approximately one mile southeast of the City of Mt. Shasta on APN 037-370-140 Township 40N, Range 4W, Section 22, MDB&M; Latitude 41.303°, Longitude -122.296°.

### **Categorically Exempt Use Permit Revocation**

**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 applicant requested approval of a use permit that proposed to convert an existing single-family dwelling into a short-term vacation rental. The property is located on a 2.675-acre parcel at 1424 Eddy Drive in Mount Shasta. The project is consistent with the General Plan and zoning for its area. The property was inspected by Environmental Health on July 21, 2022, and by the Building Division on August 23, 2022. The five required parking spaces are located in the garage and driveway. Four bedrooms are proposed as sleeping quarters and, based on the capacity of the septic system, Environmental Health determined that a maximum of six people can occupy the residence at one time. Ms. Gray said staff recommended that the project be found exempt from CEQA pursuant to Section 15301.

Ms. Gray said one comment was received after the staff report was written which stated that the proposed short-term vacation rental is on a parcel that is smaller than the 2.5-acre minimum required by Code. Ms. Gray explained that the GIS system information on which the comment was based is known to be inaccurate when it comes to parcel dimensions. She said staff reviewed the recorded subdivision map that created the subject parcel which stated that the surveyed acreage is 2.675 acres.

Ms. Gray recommended determining the project categorically exempt from CEQA and approving the use permit.

### **Agency Input: None**

### **Commission Questions:**

Commissioner Fowle wanted to know why the Assessor's records reflected 2.250 acres. Discussion was held regarding the inaccuracies in the Assessor's maps as opposed to the map that was recorded when the subdivision was created in the 1960s. Ms. Gray said Staff verified that the parcel is 2.675 acres.

The Chair opened the Public Hearing.

**Public Comments: None**

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

**Commission Questions/Discussion:**

Discussion was held about the complaint of noise in the submitted public comment.

Discussion was held regarding whether or not the property meets Cal Fire 4291 requirements. Ms. Jereb said she has been told by Cal Fire that they have a goal to inspect every single property every year for 4291 compliance, and they have year-round staff that is now doing that. The Commission requested that Staff make it a practice to always request that Cal Fire comment on 4291, particularly on vacation rentals.

**Motion:** Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Veale, to Adopt Resolution PC 2022-030, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Wengen Group LLC Use Permit (UP-22-11) and determining the project exempt from CEQA.

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

**Agenda Item 2: Norgan Tentative Parcel Map (TPM-22-01) / Categorically Exempt**

The project is located at 14343 Bradley Henley Road, approximately 1.2 miles southwest of the community of Hornbrook on APN 040-300-030, Township 47N, Range 6W, Section 29, MDB&M; Latitude 41.897°, Longitude -122.570°. The applicant is requesting a Tentative Parcel Map approval to create three new 40-acre parcels.

**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. Gray.

Ms. Gray told the Commission that the applicant was requesting approval of a tentative parcel map in order to subdivide an existing 130.43-acre parcel into three parcels. The parcels are located southwest of the community of Hornbrook and are zoned prime ag and non-prime ag with a 40-acre minimum parcel size. All proposed parcels exceed the 40-acre minimum required for the zoning district. Access to all three parcels will be via Bradley-Henley Road, which is a county road.

Ms. Gray said the project is consistent with the Subdivision Map Act, General Plan, and zoning for its area. She said the project is proposed to be exempt from CEQA pursuant to Section 15061(b)(3).

Ms. Gray said no public comments were received. She said Environmental Health and Cal Fire commented regarding their requirements. Ms. Gray recommended that the Planning Commission determine the project categorically exempt and approve the tentative parcel map.

**Agency Input: None**

The Chair opened the Public Hearing.

**Public Comments: None**

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

**Commission Questions/Discussion:**

Discussion was held regarding the quality of water in Hornbrook. Dan Wessell, Deputy Director of Environmental Health, said they look at the quantity of water and not quality.

Discussion was held that the Planning Commission should be reviewing water availability in projects that involve development for housing.

Discussion was held regarding Hornbrook's water district, that it was destroyed in the Klamathon Fire, and they have a grant to drill an additional well.

Discussion was held regarding reclamation of the Triple Duty Mine located on Parcel C. Mr. Dean said it is currently under reclamation and that it is a five-year process to make sure vegetation is re-established. Parcels A and B can be developed at any time, but Parcel C cannot be developed until reclamation is complete.

**Motion:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to Adopt Resolution PC2022-022, 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 Norgan Tentative Parcel Map (TPM-22-01).

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

**Agenda Item 3: Coy Tentative Parcel Map (TPM-22-03 / Categorically Exempt**

The project site is located at 2705 Riverview Drive, northeast of the city of Yreka on APN: 013-260-790; Township 45N, Range 6W, Section 7, MDBM; Latitude 41.7587°, Longitude -122.5883°. The applicant is requesting Tentative Parcel Map approval to subdivide an existing 69.83-acre parcel into three parcels (42.8 acres, 16.1 acres, and 10.9 acres).

**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 applicant was requesting approval of the tentative parcel map to subdivide an existing 69.838-acre parcel into three parcels. The parcels are located northeast of the city of Yreka and they are zoned for prime and non-prime ag uses. All proposed parcels exceed the minimum parcel size for the zoning district, and the project is consistent with the Subdivision Map Act, General Plan, and zoning for its area. Ms. Jereb said the project is proposed to be exempt from CEQA pursuant to Sections 15061(b)(3) and 15301.

Ms. Jereb said one public comment was received. Environmental Health, the Treasurer-Tax Collector, Cal Fire, California Department of Fish and Wildlife, and Siskiyou County Air Pollution Control District all commented on the project.

Ms. Jereb recommended that the Planning Commission determine the project categorically exempt and approve the project.

**Agency Input: None**

The Chair opened the Public Hearing.

**Public Comments:**

Mr. Dan Wallace of Montague, project surveyor, said he was available to answer questions.

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

**Commission Questions/Discussion:**

Commissioner Veale requested clarification regarding where the project location was in relation to the city of Yreka boundary. Ms. Jereb said if you were driving north on Interstate 5, the county's jurisdiction is on the east side of Interstate 5 and the project property is on the east side of Interstate 5.

A lengthy discussion was held regarding whether there would be adequate water to serve all the parcels if the tentative parcel map is granted. The project applicant, Darrell Coy, said when he bought the property from the Johansens, the agreement was that they don't have to share the well. The two new parcels will have to drill their own wells.

Discussion was held about the deadline by which the tentative parcel map has to be recorded.

**Motion:** Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to Adopt Resolution PC2022-032, 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 Coy Tentative Parcel Map (TPM-22-03).

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

**Old Business:**

**Agenda Item Number 1: Short-Term Vacation Rental Policy Recommendations / Categorically Exempt**

**Categorically Exempt  
Policy Recommendations**

**Continued  
Continued**

Ms. Lang recapped previous discussions held during the September and October Planning Commission meetings, and she said the Commission made numerous requests for further review of TOT, evictions in long-term rentals, etc., and that the rate of vacation rentals by geographic area be analyzed.

After Ms. Lang's presentation, it was discovered that the Commission Clerk neglected to post the Staff Report packet on the Planning Commission meeting web page nor did she provide the Staff Report packet to Commissioners Lindler and Fowle. Discussion was held that the Commission could discuss the project, ask questions of Staff and provide further direction to Staff, but no action would be taken. The project would be continued to the January 18, 2023, Planning Commission meeting so the Commission would have time to review the Staff Report packet and conduct further discussion.

Ms. Lang told the Commission that the revised Staff Report included a table created by Housing Tools in which geographic areas were identified. Included were Dorris and Tulelake as one area, Scott Valley and Fort Jones as one area, Yreka as one area, Lake Shastina as one area, Dunsmuir and Mount Shasta as one area, McCloud as one area, and Happy Camp, Klamath River and Hornbrook as one area. It was determined that these areas, with the exception of McCloud, had vacation rental listings of total units of 1 percent or less. McCloud had listings that hovered at 4 percent.

A public comment was received from Ian Nyquist who requested that his questions be read into the record so Ms. Jereb read the questions. Mr. Nyquist asked about the \$20 per night flat fee lodger's tax, the \$500 fee to cover the cost of annual inspections and whether hotels and restaurants currently pay inspection fees, and how the \$20 lodger's tax would be distributed throughout the county.

Through the Chair, Ms. Lang reminded the Commission that if they were to recommend action today, the project would go to the Board of Supervisors. Staff would present the data and the Board would make their own decisions regarding the policy recommendations.

County Counsel William Carroll added that any discussion regarding potential fees or taxes be discussed in general terms since that subject is beyond the purview of the Planning Commission.

In response to Mr. Nyquist's question regarding whether or not hotels and restaurants pay renewal and inspection fees, Mr. Dean said that the County's Environmental Health Division inspects restaurants, and they are charged an annual fee based on how many seats they have in their facility. Environmental Health responds to complaints about bedbugs in hotels but there is no inspection process.

Discussion was held regarding the \$500 annual fee that would allow the County Planning Division to conduct annual inspections of existing vacation rentals holding use permits.

Discussion was held that the language discussing the \$20 lodger's tax is not clear that the owner pays it to the County.

Discussion was held regarding why one parking space is required per bedroom, the difference between VRBO and Airbnb, and the lack of affordable housing for seasonal workers.

Discussion was held about how funding is obtained for affordable housing. Ms. Lang told the Commission that housing developers are commonly nonprofit associations that leverage different types of funds and it's a conglomerate of private funds and public funds.

The Chair opened the Public Hearing.

**Public Comments:**

Mr. Ian Nyquist of McCloud thanked Staff for reading his questions. He said he couldn't hear the response to his first question. As far as inspections of hotels and restaurants were concerned, he didn't understand why the County wanted to inspect vacation rentals but not hotels.

Ms. Lang explained that short-term rentals are allowed with a use permit which is different from a by-right use which is what hotels fall under based on their zoning designation. Inspections of short-term rentals would ensure that the specific applicant and associated short-term rental were meeting their conditions of approval. She said Staff receives a lot of complaints on short-term rentals, and it is common for applicants not to follow through on their conditions of approval. Ms. Lang added that inspections are conducted on other non-short-term rental use permit projects to ensure applicants are meeting their conditions of approval, and Staff wants to be consistent with how all use permits are managed in the County.

Chair Lindler added that hotels are subject to Cal-OSHA and fire code laws, and they are inspected by the State.

Discussion was held regarding the difference between the \$20 lodger's tax and the \$500 annual fee for County staff to inspect existing use permits for short-term rentals.

Discussion was held regarding the Planning Division fee for applying for a short-term rental use permit.

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

**Commission Discussion:**

Commissioner Fowle asked if the 4 percent number of vacation rentals in McCloud was rentable units or all units, and Ms. Lang said it is rentable units.

Discussion was held regarding what would trigger a moratorium in a geographic region.

Discussion was held regarding conducting research on whether other similarly sized rural counties limit the number of vacation rentals.

Discussion was held regarding the deadline for adoption of the Housing Element which includes the Short-Term Vacation Rental component.

After discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to continue the Short-Term Vacation Rental Policy Recommendations to the January 18, 2023, Planning Commission meeting. Since no action was taken at today's meeting, public comment will still be received.

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

1. **Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, January 18, 2023, at 9:00 a.m.

**2. Correspondence: None**

**3. Staff Comments:**

Mr. Dean advised the Commissioners that the Kidder Creek Orchard Camp Zone Change and Use Permit project would be coming back to the Planning Commission on January 18, 2023.

**4. Commission Comments:**

Commissioner Veale wanted to know if the Planning Commission would be involved in any activity in removal of the dams. Mr. Dean said FERC has made their decision to remove the dams. The Planning and Building Divisions are involved in administering permits and a demolition permit was issued for the Fish Hook restaurant.

Commissioner Fowle wanted to know if decommissioning a dam would require a reclamation plan even though one wasn't done when they were built. Mr. Carroll said he would ask Assistant County Counsel Natalie Reed who is the expert on that subject.

Commissioner Fowle asked that a Christmas dinner be arranged next year so the Planning Commissioners and their families along with Planning staff and their families could get together and get to know each other on a more personal level.

Commissioner Fowle requested that the contractor who worked on the Kidder Creek Orchard Camp CEQA documents not be used in the future, and the other Commissioners agreed.

**Adjournment:** The meeting was concluded at approximately 11:24 a.m.

Respectfully submitted,

*Signature on File*

Hailey Lang, Secretary

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