

**Siskiyou County Planning Commission  
Regular Meeting  
March 15, 2023**

The Siskiyou County Planning Commission meeting of March 15, 2023, 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 Hart, Melo, Fowle, Veale, and Lindler

**Absent:**

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

**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: None**

**Minutes:** It was moved by Commissioner Veale, seconded by Commissioner Hart, to approve the Minutes from the February 15, 2023, Planning Commission meeting as presented.

**Voted** upon and the Chair declared the motion carried unanimously by those Commissioners present with Chair Melo abstaining because he was not present at the February meeting.

**Old Business:**

**Agenda Item 1: Usry Use Permit (UP-22-10) / 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 1707 Laura Marie Lane, northwest of the city of Mt. Shasta; APN: 036-090-470; Township 40N, Range 4W, Section 8; Latitude 41.3298°, Longitude -122.3443°.

**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 reminded the Commission that the project was heard at the February meeting and continued to today's meeting because of concerns that were raised by an adjacent property owner regarding road access, parking, and trash receptacles. Commissioners Lindler and Veale expressed interest in independently visiting the site. Ms. Jereb said she visited the site on February 16, 2023, and took some photos and a video. She measured Laura Marie Lane at three different points—the beginning, end, and what appeared to be the narrowest point in the road. She said the site map was modified to remove the Laura Marie Lane cul-de-sac as a designated parking space. Ms. Jereb said she also noticed that the trash receptacle was bear proof.

Ms. Jereb played the video and described various points on Laura Marie Lane depicting snow piles and there being a utility truck parked alongside the road which didn't obstruct the roadway. She said the paved portion of the road is approximately 18 feet wide and the narrowest point is approximately 14 feet wide. The start of the cul-de-sac is approximately 21 feet wide.

Ms. Jereb said she didn't receive any additional public comments and recommended adopting the Categorical Exemption and approving the use permit.

**Agency Input: None**

**Commission Discussion:**

Chair Lindler said she visited the site with two Cal Fire representatives who deal with enforcement of 4290 and 4291 regulations, especially on small landowners. Those representatives said because the majority of the road is not on the landowner's property, they don't have jurisdiction under this use permit to require that the adjacent landowners make any improvements to the road. Chair Lindler asked about some trees that are too close to meet 4291 regulations, and the representative said that because the county has not adopted 4290 regulations, they do their best with enforcement but they have to be careful because the majority of the homes don't meet 4291 and they can't do selective enforcement.

Chair Lindler said she also met with the property manager at the property. She said there was adequate turnout space in the cul-de-sac. There was snow at the time and it had been plowed allowing for adequate space.

Chair Lindler said she received correspondence from Mr. Hawkins because he said there were people parked in his road area so she forwarded his complaints to the property manager.

Commissioner Hart expressed concern that because the property is on a hillside, parking in the wintertime with snow would be a challenge, and Chair Lindler said the property owners would have to work on the snowplow issue to get adequate parking.

The Chair opened the Public Hearing.

**Public Comments:**

Stephanie Usry of Mount Shasta, project applicant, spoke in support of the project. She told the Commission that she appreciated the time they've taken in reviewing the project. She said when she and her partner moved into the house last May, she met Mr. Hawkins and listened to his concerns.

She said they're trying to abide by the rules and be good neighbors with the help of their property manager. Ms. Usry said they're working with a tree person to make sure they're being smart about how they manage the property.

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

### **Commission Discussion:**

Discussion was held regarding the fact that the county has not adopted the Cal Fire 4290/4291 regulations so enforcement falls on Cal Fire.

Discussion was held regarding a fire that occurred on another permitted vacation rental property on Laura Marie Lane which was caused by the renters not properly disposing of ashes from a wood stove. The Commission discussed adding a condition to the Usry project requiring renters to properly dispose of ashes from the wood stove.

**Motion:** Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Hart, to Adopt Resolution PC 2023-006, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Usry Use Permit (UP-22-10) and determining the Project Exempt from CEQA.

After the Motion was made and before it was voted on, discussion was held regarding the specific language to be added to the Conditions of Approval regarding disposal of ashes. It was determined that language would be added to Condition 19 to read: *Ashes shall be disposed of into a fireproof metal container until the ashes are cold.*

**Voted** upon and the Chair declared the motion carried unanimously by those Commissioners present, with Commissioner Melo abstaining because he was not present at the February meeting.

### **New Business:**

#### **Agenda Item Number 1: Sinibaldi / Mendoza Use Permit (UP-22-04)**

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 1900 Maple Drive, approximately four miles southwest of the city of Weed on APN 021-560-400 Township 41N, Range 5W, Section 27, MDB&M; Latitude 41.375°, Longitude -122.404°.

**Categorically Exempt  
Use Permit**

**Not Adopted  
Denied**

#### **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 applicants were seeking approval for a use permit to operate a short-term vacation rental from their existing single-family dwelling southwest of the city of Weed. The 2,256 square-foot, two-story, two-bedroom dwelling sits on approximately 5 acres. The property is zoned Rural Residential which allows short-term vacation rentals with a use permit. The project is consistent with the General Plan and zoning for the area. Both the County Building Division and Environmental Health Division inspected the dwelling. Based on the existing septic system, a

maximum of four guests would be allowed. The four required parking spaces are located on the west side of the residence.

Ms. Gray said the project is proposed to be exempt from CEQA pursuant to Section 15301.

Ms. Gray said both the Building Division and Environmental Health commented regarding their requirements. She said one public comment was received after business hours and presented to the Commission just before the meeting. Ms. Gray said additional comments were received the morning of the meeting just before it started, but there was not enough time to present them to the Commission, so she asked that those commenters call in to the meeting.

Ms. Gray said that staff recommended that the project be determined Categorical Exempt and that the Commission approve the use permit.

**Agency Input: None**

The Chair opened the Public Hearing.

**Public Comments:**

Ms. Pauli Robinson of Weed spoke in opposition to the project. She said she lives across from the project site. She said she submitted a written comment that included photos and a video. Due to the recent heavy snowstorms, they were able to get the road plowed but another storm came and she said you wouldn't know it had been plowed. Ms. Robinson said Maple Drive has been a quiet, narrow dirt road until recently because there has been increased traffic over the past few years. She said if people can't get up the hill because it's steep and slippery, they just park their cars along the road. When it snows, the snowplow can't get by and the parked cars block the road preventing the residents from getting to their properties. Ms. Robinson said sometimes the snow lasts until June due to the elevation. She said more residents would have attended the meeting but were prevented from doing so because of the recent heavy snow. Ms. Robinson also recommended that the Planning Commission suggest that people have backup generators, especially in the winter and summer months because the power often goes out in that area. She concluded by saying that they don't want their road obstructed and they don't want excess traffic. She said the road is rutted past her house to the point that most people can't get through without four-wheel drive.

Ms. Valerie Yancey of Weed spoke in opposition to the project. She said she submitted a late comment. She said she shares the 1,000-foot easement from Maple Drive. She asked the Planning Commission to closely evaluate permits for vacation rentals in Hammond Ranch because it is heavily wooded with extreme fire danger. She said the property owners and their guests lack experience in navigating steep grades and don't think about potential fire danger in the forest. Ms. Yancey said not all parcels in the county are equal. Parcels and privately maintained easements and roadways affected by transient use is different from publicly maintained, paved roadways. She said she has seen litter including cigar and cigarette butts on the road. The increased traffic is causing overuse of the gravel road. She said guests of the property who are unable to navigate the road park 1,000 feet down on Maple Drive blocking local property owners and that the guests travel over the 15-mph speed limit. Ms. Yancey said it appeared that the property owners don't have an effective property manager.

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

**Commission Discussion:**

Chair Lindler said it appeared that the property has been advertised as a vacation rental since 2021 so they have been operating illegally. Ms. Gray confirmed that they have and County Code Enforcement has investigated to make sure the property could not be booked short term. She said there was a code case in which fines were assessed and paid.

Commissioner Fowle wanted to know if the Code Enforcement fines were equal to, less than or greater than the Transient Occupancy Tax collected while the property was being illegally operated as a vacation rental. He said because the County has been working on bringing vacation rentals into compliance for over 12 years, no matter the length of time the property owner has been operating an illegal vacation rental, his opinion is that the use permit should not be issued until all back TOTs are paid in full.

Ms. Jereb said the Sinibaldi property was being booked through the Airbnb booking site which collects TOT automatically regardless if they have a permit or not. She said she believed the Code Enforcement fines were in excess of \$4,000. Discussion was held that the TOT is paid quarterly by check from Airbnb, and the County Tax Collector's office does not itemize the properties from which they are collecting the tax. Commissioner Fowle said he would like to see the process changed so the TOT collected is broken down by property.

Chair Lindler said she was familiar with the area and her concerns are that the roads are steep and impassable by residents let alone by people from out of the area, especially during heavy snow periods. She said one of the conditions is to provide ample parking, and she would be concerned in the winter if the inability to plow prevents access to the property and renters park on the road.

Through the Chair, Ms. Jereb told Chair Lindler that the project proponent and other people were requesting to speak so Chair Lindler reopened the public hearing.

**Public Comment:**

The project proponent Joan Sinibaldi said she and her husband acquired the property in August 2021 and have shared the property with other guests who came to stay with them. She said she provided their phone numbers to the neighbors and told them they have local staff. She said she understands the snow and parking issue, and they just purchased a tractor so they can plow the street. She said they also purchased a generator. Ms. Sinibaldi said they have had complaints about the road and took care of it as soon as they could. She said they were not aware of the trash issue. She said they would provide documents to show that the taxes were paid from their bookings as well as proof that the Code Enforcement fines were also paid. Ms. Sinibaldi said she believes they have completed all the requirements and are ready to move forward if allowed.

Ms. Karen Rogers of Weed spoke in opposition to the project. She said she has lived on Maple Drive for 38 years and the road in the subdivision wasn't designed properly. Road maintenance is handled by the residents on Maple Drive. She said whenever someone is stuck on the road, it has always been someone from out of the area. She shared her experience with being stuck on the road because of another car that was blocking the road, and she had to leave her car and carry her child and groceries to her home in the snow. Ms. Rogers said she thinks Hammond Ranch should have special requirements in order to protect the safety and well-being of the residents. She said she was also concerned about fire danger and that the residents take extreme caution during fire season. She

said she is concerned about people coming from out of the area who are not familiar with the conditions. Ms. Rogers said that because of the remoteness of the property and the high fire danger, the Commission should take a second look.

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

**Commission Discussion (continued):**

Discussion was held regarding whether or not Cal Fire sends a letter confirming that a property meets 4290 and 4291 requirements. Staff said one of the conditions of approval is that a written letter is received from Cal Fire confirming 4290 and 4291 requirements have been met. Ms. Gray said she had not yet received confirmation from Cal Fire that the subject property has met those requirements.

Discussion was held regarding who is responsible for maintenance of Maple Drive. Since the road is an easement, the property owners who live on the road are responsible even though there is no recorded document stating that. The road is maintained by volunteers who live on Maple Drive. County Counsel William Carroll said it is beyond the Commission's purview to force the property owners to clear the road.

Discussion was held about not renting the property during heavy snow periods, but how do you tell the difference between the property owner and a renter. Discussion was held that County Code requires off street parking for vacation rentals, and if renters are unable to park on the property, it would be a violation of the use permit. Discussion was held that even if the property owner plowed their property, if the road isn't plowed the renter would be unable to get to the property.

Discussion was held regarding whether to postpone the project so more information could be obtained. Commissioner Fowle said he didn't think the project was compatible with the existing uses. Commissioner Hart said he had a problem with allowing a vacation rental in a high snow zone. Commissioner Fowle added that it is also in a high fire area.

**Motion:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Deny Resolution PC 2023-007, as the project is not compatible with neighboring properties and presents a highly likely threat to public health and safety.

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

**Items for Discussion/Direction:**

Commissioner Fowle asked staff how to address the issue of Caltrans not plowing Highway 3 from Fort Jones to the top of Scott Mountain. He said he understands that Interstate 5 has priority but because of state regulations, the county road crews are not allowed to plow the state highway when they're headed to do snow removal on county roads. Commissioner Fowle said the most recent storms have made it dangerous to travel on Highway 3. Mr. Dean said he would defer to County Counsel for the process to create a Memorandum of Understanding between Public Works and the CAO and to bring it to the Board for approval. Mr. Carroll said he and Mr. Dean could talk to Public Works to find out how to resolve the issue.

Commissioner Veale asked about Accessory Dwelling Units (ADUs) and discussion was held about what an ADU is and its requirements.

Discussion was held about the county getting grants to attract developers to build low-income housing.

Discussion was held about a letter from Missi Bullington pointing out an error contained in the resolution presented at the Board of Supervisors meeting on February 21, 2023. Ms. Lang told the Commission that it was a typo and it has been corrected.

Ms. Lang also gave the Commission an update on direction received from the Board for the Short-Term Vacation Rental Policy Recommendations.

Commissioner Hart asked about the General Plan and Housing Element updates, and Ms. Lang said staff is waiting for a response from The Department of Housing and Community Development. She said she would update the Planning Commission throughout the process.

**Miscellaneous:**

1. **Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, April 19, 2023, at 9:00 a.m.
2. **Correspondence:** Letter from Missi Bullington which was discussed during Items for Discussion/Direction.
3. **Staff Comments:** None
4. **Commission Comments:** Commissioner Fowle said he may not be attending the April 19, 2023, Planning Commission meeting.

**Adjournment:** The meeting was concluded at approximately 11:05 a.m.

Respectfully submitted,

*Signature on File*

Hailey Lang, Secretary

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