

**Siskiyou County Planning Commission
Regular Meeting
October 18, 2023**

The Siskiyou County Planning Commission meeting of October 18, 2023, was called to order by Chair Lindler at approximately 9:00 a.m. at the Board of Supervisors Chambers, 311 Fourth Street, 2nd Floor, Yreka, California.

Present: Commissioners Hart, Melo, Fowle, and Lindler

Absent: Commissioner Veale, Commission Clerk Janine Rowe

Also Present: Rick Dean, Director, Community Development Department; Hailey Lang, Deputy Director of Planning; Rachel Jereb, Senior Planner; Bernadette Cizin, Assistant Planner; William Carroll, Deputy County Counsel

Minutes: The Minutes from the September 20, 2023, meeting will be submitted for approval at a future Planning Commission 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 attending the meeting 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

New Business:

Agenda Item 1: Hayes Use Permit (UP-23-05) / 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 1716 Pine Grove Drive, northwest of the city of Mt. Shasta, APN 036-080-330, Township 40N, Range 4W, Section 8, Latitude 41.3288°, Longitude -122.3329°.

**Categorically Exempt
Use Permit**

**Approved
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 applicant proposed to convert an existing single family dwelling into a vacation rental. The dwelling is an approximately 1,956 square-foot, single-story house on 2.5 acres that is zoned for Rural Residential uses and is consistent with the General Plan and zoning for its area.

The property was inspected by the Building Division and Environmental Health on April 4 and August 16, 2023, respectively. The required four parking spaces are located in the garage and on the paved driveway. Three bedrooms are proposed as sleeping quarters. Up to 12 guests could be accommodated based on the square footage of the rooms; however, the septic capacity is limited to a maximum occupancy of six persons.

The project is exempt from CEQA pursuant to Section 15301 as it is an existing facility.

No public comments were received. Staff recommended adopting the categorical exemption and approving the use permit.

Agency Input: None

The Chair opened the Public Hearing.

Public Comments: None

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

Commission Discussion/Questions:

Chair Lindler pointed out a typographical error on page 7 of the staff report that needed to be corrected regarding the number of bedrooms.

She also asked for clarification regarding the wood stove being next to the monitor heater as well as several non-conforming items that were noted by the Building Division. After discussion, staff pointed out that the property was initially inspected on April 28, 2023, and several non-conforming items were noted. The Building Division reinspected the property on August 16, 2023, and the non-conforming items had been corrected so they signed off on the project.

Motion: Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Hart, to Adopt Resolution PC 2023-014, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Hayes Use Permit (UP-23-05) and determining the project exempt from CEQA.

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

Items for Discussion/Direction:

Ongoing Staff Update Regarding the General Plan Update

This is an ongoing agenda item pertaining to the Siskiyou County 2050 General Plan Update. Staff will be providing an update on the project schedule, deliverables, and any other updates relating to this project.

Staff Report:

Ms. Lang told the Commissioners that the consultant team was still working on the existing conditions background report and it is slated for public review in early Spring. Ms. Lang added that an internal

TAC group is being formed which will mostly be comprised of County department heads and County staff. The TAC will look at documents before they go out for public review. Finally, she will be working with the consultants to schedule the first set of public meetings which are slated for early Spring.

Through the Chair, Commissioner Melo asked if the Housing Element is part of the General Plan, and Ms. Lang said it is separate but it also is not separate. She said they just received final approval of the Housing Element document from the California Department of Housing and Community Development (HCD) with their comments, and staff would be taking the document to the Board of Supervisors on November 14, 2023.

Commissioner Fowle asked if the Commission would be seeing the comments before the document goes to the Board. Ms. Lang said the Commission would not be seeing it, but she would provide HCD's letter listing the changes they wanted. She said they mostly wanted things reworded to meet certain requirements. Ms. Lang added that the document is statutorily required but it would be packaged within the General Plan update.

Through the Chair, Ms. Jereb told the Commission about the website for the housing element (www.siskiyoucountyhousingelement.com). She said the original draft and versions 1, 2 and 3 can be found there, and the changes requested by HCD are redlined so the Commission can see the changes made from version to version.

Commissioner Hart asked about public comments, and Ms. Jereb said she didn't think there were any public comments.

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, November 15, 2023, at 9:00 a.m.
- 2. Correspondence: None**
- 3. Staff Comments:**

In response to a request by Commissioner Fowle at the September meeting, Deputy County Counsel William Carroll provided an update on the Tulelake Wildlife Refuge waterfowl hunting restrictions that were put into place this year. Mr. Carroll said he talked to Greg Austin who manages the refuge. Mr. Austin said federal law mandates that 60 percent of the reserve has to go towards preserving the birds and 40 percent can be open for hunting. The preserve for the benefit of the birds takes priority over hunting. If there is a conflict in terms of resources, they preserve the birds. There was a lot of rainfall this year but it wasn't enough to fully restore the Tulelake area. There is one wetland area which is off limits this year to give the birds a sanctuary for their migratory routes. The rest of the refuge is open for dryland hunting and is open for white geese, Canadian geese and pheasant hunting on dry ground.

Mr. Carroll said he double checked with the County Administrator's office, and no one consulted with the County. Mr. Austin said they did consult with Ducks Unlimited and the California Waterfowl Association. Mr. Austin said he was going to close off the whole refuge to

hunting this year due to the lack of water, but some local people made calls to Doug LaMalfa's office and with some pressure from that office, the dryland hunting portion was opened up.

4. Commission Comments:

Commissioner Fowle asked Mr. Carroll if he looked into the issue with the Minutes from the joint Board of Supervisors and Planning Commission meeting regarding the General Plan that was held on August 29, 2023. Mr. Carroll said he discussed the issue with his boss and the County Clerk and was told the Minutes are essentially Board of Supervisors Minutes, which only the Board would approve. He added that in future joint meetings, the Planning Commission should bring its own clerk to take Minutes on behalf of the Planning Commission.

Discussion was held that the audio is recorded and maintained for posterity. Mr. Carroll added that if a word-for-word transcript were prepared, that transcript would take precedence over the Minutes.

Commissioner Fowle reiterated his concerns that issues would come up in the future regarding specific questions that were asked, but they were not memorialized in the Minutes.

Commissioner Fowle thanked Mr. Carroll for looking into the hunting restrictions at the Tulelake Refuge and the Minutes from the joint Board/Planning Commission General Plan meeting. He said as far as hunting restrictions are concerned, the bigger issue is the density and the failure of US Fish & Wildlife to listen to biologists who are concerned about the overpopulation in the one wetted area and are actually recommending hunting in there to disperse them to prevent disease. Commissioner Fowle said currently there is a big issue with botulism in Tulare Lake, and rice farmers are working with Ducks Unlimited actually started their harvest early this year to try to get some areas flooded to hopefully spread out the bird population out to reduce the spread of botulism. Mr. Carroll said Mr. Austin did not mention that aspect and said the opposite for Ducks Unlimited.

Commissioner Hart said he was curious about the County's policy regarding the city of Mt. Shasta's sphere of influence which covers the area all the way to Weed city limits, and Mr. Dean said it is mapped out.

Commissioner Hart wanted to know if other entities that make decisions, issue permits, etc., recognize Mt. Shasta's sphere of influence like the County does. Mr. Carroll said it is recognized for vacation rentals because it is in the County's ordinance. He said as far as statewide was concerned, he doubted there was any distinction between the unincorporated county within the sphere of influence of Mt. Shasta. He added that unless there's a regulation out there that distinguishes the sphere of influence from the rest of the unincorporated area of the county, everybody should be treated the same.

Discussion turned to the impact of Mt. Shasta's sphere of influence on the Housing Element, and Commissioner Hart wanted to know if Mt. Shasta would get special consideration to stop development where they didn't want it. Mr. Dean responded that it's an unincorporated area since the sphere of influence is the County's jurisdiction. It covers an overlay on top of it so specifically with vacation rentals the County has to deal with it as a designation per code. But ultimately that sphere of influence is County responsibility because the County's jurisdiction is

the unincorporated area. He added that the city of Mt. Shasta was welcome to comment on the General Plan and Housing Element.

Commissioner Melo said it was frustrating to him that none of the parcels in the subdivision by Lake Siskiyou are 2.5 acres or more and that issue needs to be addressed in the General Plan.

Commissioner Fowle asked whether or not a County representative was present when Cal EPA toured the Shasta Valley recently and whether there was any feedback. Mr. Dean said Matt Parker was there and possibly Supervisors Kobseff and Haupt. He said no one from Community Development participated, but Mr. Parker relayed that they attempted to take the EPA to the Shasta Vista area but they didn't want any part of it.

Discussion followed regarding the ability of the County to force the State, specifically Cal EPA, to test the water quality in and around where the illegal grows are occurring and whether it would help if a neighbor in that area asked the County to test water samples from their wells to prove there are illegal substances in the aquifer. Mr. Carroll said that might help but didn't know if the County could mandate the State to come up and check. Also discussed was the County's hesitance to take any action for fear of being sued for racism.

Discussion was held regarding the development of the new regulations and instream flows, specifically for the Shasta and Scott Rivers and whether the Community Development Department is involved in those discussions. Mr. Dean said they have not been included in those conversations. He added that he was not aware that any County agency has reached out to the State Water Resources Control Board to provide input, with the exception of Supervisor Haupt and possibly Matt Parker. Commissioner Fowle said he has not seen a lot of participation by the County in those meetings which he feels is necessary in order to prevent something terrible happening.

Discussion was held about the proposed water restrictions being implemented by the State and that the governor's office has said that Siskiyou County is in a permanent state of drought. Commissioner Fowle said with decreased water available for agriculture, the landscape is going to change and it is imperative that the General Plan update includes information to guide people on how to develop and provide business opportunity in Siskiyou County.

Commissioner Lindler talked about the proposed legislation stating that 47 gallons per day per person will be the maximum allowed for water use and that there is talk about metering domestic wells. She said it was originally part of Senate Bills 606 and 1668 which were supposed to promote water efficiency, but the State Water Board is looking at that as permanent restrictions and curtailments. She strongly objects to that legislation and plans to contest it. Discussion was held that the State owns the water as it is a public trust resource, so if the State dictates there will be meters, it will happen.

Commissioner Hart talked about a Water Board meeting during which a presentation was given by a consulting firm out of Arcata who performed a one-year analysis on the Local Cooperative Solutions (LCS) in Scott Valley. The consultant claimed LCS's don't work in Scott Valley although he didn't go out and see what crops were out there. A couple producers who attended the meeting refuted everything the consultant said so there is a flaw in the study.

Back to the subject of contaminated water in Shasta Vista, Commissioner Hart said the Karuk Tribe is managing the Louie Ranch and suggested that the County talk to them and get them involved and have them look at the water coming out of those springs.

Mr. Dean talked about Sonoma County putting their public trust doctrine into play, and the environmental groups are commenting. He said the County is trying to hang on to two-acre feet per year for domestic wells. He added that 85 percent of domestic water use is recharged back into the aquifer which the State doesn't account for. Commissioner Lindler said they also don't take into account the intrusion of juniper in the Shasta Valley which uses anywhere from 50 to 150 gallons a day per tree.

Adjournment: The meeting was concluded at approximately 10:08 a.m.

Respectfully submitted,

Signature on File

Hailey Lang, Secretary

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