

Siskiyou County Planning Commission
Regular Meeting
May 19, 2021

The Siskiyou County Planning Commission meeting of May 19, 2021 was conducted pursuant to California Governor Newsom's Executive Order No. N-29-20 dated March 17, 2020. Members of the public were allowed to participate in person and via teleconference.

The meeting was called to order by Chair Melo at 9:00 a.m.

Present: Commissioners Lindler, Fowle, Veale and Melo were present in the Board Chambers. Commissioner Hart had not yet arrived when roll was called.

Absent: None

Also Present: Rick Dean, Community Development Director; Rachel Jereb, Senior Planner; Bernadette Cizin, Assistant Planner; William Carroll, Deputy County Counsel; Janine Rowe, Clerk

Minutes: It was moved by Commissioner Veale, seconded by Commissioner Fowle, to approve the Minutes from the April 21, 2021, Planning Commission meeting as presented.

Voted upon and the Chair declared the motion carried unanimously by those commissioners present, with Commissioner Lindler abstaining because she was not present at the April meeting.

Unscheduled Appearances: None

Conflict of Interest Declaration: None

Presentation of Documents: None

Public Hearing Protocol: The Chair reviewed the protocol for conducting the Planning Commission meetings.

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 10th day falls on a weekend, the appeal must be received the following business day). He directed interested individuals to contact the County Clerk's Office for information. He 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.

At approximately 9:02 a.m., Commissioner Veale arrived at the meeting

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Changes to the Agenda: None**New Business:****Agenda Item 1: Moratorium on Accepting New Short-Term Vacation Rental Applications (Z-21-03) / Categorically Exempt**

On April 6, 2021, the Board of Supervisors directed staff to bring forward a moratorium on accepting new short-term vacation rental applications for all properties less than 2.5 acres countywide. Should the proposed moratorium be adopted, only properties 2.5 acres or larger, countywide, may submit a Conditional Use Permit request for short-term vacation rental use while the moratorium is in effect. The length of the moratorium is expected to be 18 months, or until the County completes its analysis for the General Plan Housing Element, which will include analysis of short-term vacation rentals and potential policy recommendations. At that time, Staff intends to return to the Board of Supervisors following the analysis to get direction on permanent modifications to the County's short-term vacation rental regulations.

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 advised the Commissioners that a vacation rental moratorium was originally presented to the Board of Supervisors as an urgency ordinance, but only three Board members were willing to approve it, which did not meet the requirement of four-fifths vote for approval. Planning Staff was directed to bring a non-urgency ordinance back to the Board which only requires a three-fifths vote to pass. Three different vacation rental moratorium options were presented to the Board of Supervisors. The Board selected one of the options and directed Staff to bring the ordinance back as an overall countywide moratorium on all new vacation rentals that are less than 2.5 acres. The countywide ordinance emulates the current restriction that the Mount Shasta sphere of influence has which limits vacation rentals to 2.5 acres or greater. There is an upcoming housing update, and the moratorium would give Staff time to analyze the housing situation in Siskiyou County while also alleviating some of the complaints regarding vacation rentals on smaller parcels, specifically in the McCloud area.

**Categorically Exempt
Zone Change**

**Not Adopted
Not Recommending Approval**

Agency Input: None

Commission Questions:

Discussion was held on various topics such as why the proposed moratorium ordinance came before the Planning Commission, how long the moratorium would last, and how it would affect people currently in the process of buying properties for the specific purpose of using them as vacation rentals.

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Chair Melo said he thinks that vacation rentals are being singled out and further discussion was held about the Housing Element process and that vacation rentals are just one aspect. Vacation rentals are a permitted use that runs with the property, and the property owner can go back and forth between using the property as a vacation rental or a long-term rental.

One of the conditions of approval for a vacation rental is paying the Transient Occupancy Tax (TOT), and it was recommended by Commissioner Fowle that it would be better to bring non-compliant vacation rentals into compliance and collect TOT instead of forcing a shift of vacation rentals into an area where they probably should not be.

Ms. Jereb advised the Commission that when Staff asked for direction from the Board of Supervisors regarding the proposed moratorium, they discussed three options—limiting vacation rentals in the McCloud area based off the Community Service District boundary, limiting in the entire county regardless of parcel size, and limiting in the entire county based on parcel size of less than 2.5 acres. The Board ultimately ended up selecting a moratorium on vacation rentals that were less than 2.5 acres throughout the entire county.

Commissioner Lindler expressed concern that limiting vacation rentals would adversely impact businesses that benefit from tourism. Ms. Jereb said she estimated that on average about nine vacation rental applications would be excluded during the 18-month period that the moratorium would be in effect should the moratorium be approved.

Discussion was held about Code Enforcement citing unpermitted vacation rentals which is why there have been an influx of applications over the last several months.

Discussion was held regarding the reason the moratorium was being brought forth was because of the complaints and concerns regarding vacation rentals that are on smaller parcels in Siskiyou County and specifically in the McCloud area. That community is fairly divided as to whether or not they like vacation rentals because some like that they bring in income, and some don't like them because they don't like people who they don't know in their neighborhood. There are good arguments for both sides. The proposed moratorium would give Planning Staff some time to analyze the County's housing situation and determine whether or not the concerns are valid.

The Chair opened the Public Hearing.

Public Input: None

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

Commission Discussion:

Commissioner Hart asked if the complaints were coming from a specific geographical area, and if so, why punish the rest of the county. Ms. Jereb said concerns have come primarily from the McCloud area, but other areas have also expressed concerns.

Ms. Jereb also addressed a previous comment from Commissioner Lindler about there being a lack of knowledge regarding the proposed moratorium. Ms. Jereb said that Supervisor Brandon

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Criss has participated in meetings in the McCloud area where it was suggested that a moratorium be put in place.

Commissioner Fowle wanted to know why there were no Findings to support the motion. He added that he was confident the Commission could address nine potential vacation rental applications that may come before them and would be able to determine whether or not they were compatible for the location, so he was struggling with why the moratorium was necessary.

In response to Commissioner Fowle's question about why there were no Findings, Mr. Carroll explained that it was direction from the Board of Supervisors to the Planning Commission to consider this proposed ordinance in part because Planning is working on the Housing Element, and there is consideration that it would be better not to grant any vacation rentals while the Housing Element is being studied.

Mr. Carroll added that he could not say whether Findings were required but Planning Staff could come back at a future meeting with proposed Findings and a revised Resolution. Mr. Carroll also reminded the Commissioners that the Findings would not be binding on the Board of Supervisors and that the Planning Commission was merely supposed to make a recommendation and they are not the final decision maker.

Discussion was held that the Board of Supervisors could still approve the moratorium even if the Planning Commission did not recommend it. Discussion was held that the moratorium would only affect new permit applications for vacation rentals located on 2.5 acres or less that were submitted after it was put into place, but not applications submitted prior to it going into effect.

Discussion was held regarding whether or not the moratorium would expire in 18 months or if it would have to go through the process to be repealed, and Mr. Carroll confirmed that it would have to be formally repealed.

Motion: Following discussion, it was moved by Commissioner Veale, but not seconded, to Adopt Resolution PC2021-013, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending the Board of Supervisors Adopt the Short-Term Vacation Rental Moratorium and Determine the Project to be Categorically Exempt from CEQA Pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308.

There being no second to the motion, the motion failed to pass.

Commissioner Fowle commented that he did not second the motion because if the moratorium passed, the Planning Commission's ability to bring non-complying uses into compliance would stop and he does not have faith that a vacation rental operating out of compliance would cease to operate.

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Old Business: None

Items for Discussion/Direction: None

Miscellaneous:

1. **Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, June 16, 2021.
2. **Correspondence:** None
3. **Staff Comments:** None
4. **Commission Comments:** None

Adjournment: The meeting was concluded at 9:45 a.m.

Respectfully submitted,

Signature on file

Kirk Skierski
Secretary

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