

Siskiyou County Planning Commission
Regular Meeting
October 20, 2021

The Siskiyou County Planning Commission meeting of October 20, 2021, was conducted to allow members of the public and Planning Staff to participate via teleconference.

The meeting was called to order by Chair Melo at 9:02 A.M.

Present: Commissioners Lindler, Fowle, Veale and Melo

Absent: Commissioner Hart

Also Present: Rick Dean, Community Development Director; Rachel Jereb, Senior Planner; Bernadette Cizin, Assistant Planner; Shelley Gray, Assistant Planner; Dan Wessell, Deputy Director of Environmental Health (via teleconference); William Carroll, Deputy County Counsel; Janine Rowe, Clerk

Minutes: It was moved by Commissioner Fowle, seconded by Commissioner Veale, to approve the Minutes from the September 15, 2021, Planning Commission meeting as presented, with Commissioner Lindler abstaining because she was not present at that meeting.

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

Unscheduled Appearances:

Mr. Gaurav Narasimhan of Mount Shasta said he owns two vacation rental properties in the County. He recommended that the County adopt the process practiced by Sonoma County in order to streamline the process of getting a building permit.

Conflict of Interest Declaration:

Commissioner Lindler said she has a conflict with the Gregory Vesting Tentative Parcel Map (TPM2103) because she is a client of the Gregorys, so she recused herself from hearing that project. Ms. Lindler also said the project number for the Pawlow Use Permit was incorrect on the Agenda.

Commissioner Fowle said he recently purchased a dog from the Gregory's representative, Robert Martin, and County Counsel William Carroll said he did not see any triggering requirements under the conflict-of-interest regulations.

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.

OCTOBER 20, 2021

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.

Changes to the Agenda: None

New Business:

Agenda Item 1: Surface Mining and Reclamation Ordinance Update (SMARA Ordinance) (Z-21-09) / Categorically Exempt

The project encompasses all parcels in the unincorporated area of Siskiyou County, California. The project area (i.e., unincorporated Siskiyou County) is roughly centered on Section 17 of Township 44 North, Range 7 West of the Mount Diablo Meridian.

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Cizin.

Community Development Director Richard Dean told the Commissioners that at the September Planning Commission, the project was presented as specifically targeting enforcement fees. After receiving feedback from the Commission last month, Staff revised the entire SMARA ordinance to bring it into compliance with current County Code.

Ms. Cizin told the Commissioners that Staff was presenting a comprehensive update to the County's Surface Mining And Reclamation ordinance which includes revised timeframes relating to local and State review, comment periods and minor amendments as a result of State updated language and definitions. The current version of the County's SMARA ordinance was adopted in 2015. Since then, the State has passed subsequent legislation amending and updating SMARA. The proposed amendments would ensure the County's Surface Mining and Reclamation ordinance is consistent with the provisions of SMARA. The proposed amendments include the provisions currently prescribed in SMARA while maintaining the County's current appeal procedure which includes the Planning Commission as the appellate panel for decisions made by the planning director. The proposed amendments are the minimum necessary to ensure the County's Surface Mining and Reclamation ordinance is consistent with SMARA.

Ms. Cizin also recommended that if the Planning Commission recommended that the Board of Supervisors adopt the proposed ordinance, corrections be made of typographical errors within the ordinance. In Section 10-5.103, the last line of the surface mining operation definition, PRC Section 3505, should be replaced with 14 CCR 3505. In Section 10-5.110, it states, pursuant to Section 105.113, this should be replaced with 10-5.113. In Section 10-5.117, it states, in

OCTOBER 20, 2021

accordance with Section 1-5.112 in the first and second sentence, this should be replaced with Section 10-5.112.

**Categorically Exempt
Zone Change**

**Continued
Continued**

Agency Input: None

The Chair opened the Public Hearing.

Public Input:

None

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

Commission Questions / Discussion:

Commissioner Fowle thanked Staff for making changes to allow a consistent appeal process in the event there is a violation and approved of the language.

A lengthy discussion was held regarding the effects of revising the County's SMARA ordinance on stream bed skimming, borrow pitting and excavation/grading for roadbed construction and maintenance. It was ultimately decided to continue the project to the December Planning Commission meeting to allow Staff and County Counsel to further examine the issues raised by the Commission as to the ordinance.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to continue the Surface Mining and Reclamation Act (SMARA) Ordinance Update (Z-21-09) to the December 15, 2021, Planning Commission meeting.

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

Agenda Item 2: Pawlow Use Permit (UP-21-17) / 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 1015 Circle Seven Road, south of the community of McCloud on APN 028-540-070; Township 39N, Range 3W, Section 14, MDB&M; Latitude 41.22457°, Longitude -122.15260°.

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 Commissioners that the 3,786-square-foot house is located on 20 acres that is zoned for Non-Prime Agricultural use and is consistent with the General Plan and zoning for its area. Inspections were conducted by the Building Division and Environmental Health.

The four required parking spaces are in the garage and in front of the house. The three-bedroom house can sleep up to 14 guests, but County Code only allows for up to ten guests. However, the septic system can only accommodate six guests, but Staff recommended that

OCTOBER 20, 2021

should the septic system be upgraded and approved by Environmental Health, the occupancy be increased to a maximum of ten guests.

Ms. Jereb said the project is exempt from CEQA per Section 15301 and recommended that the categorical extension be adopted. No public comments were received by the time the Staff Report was published, and one public comment was received prior to the meeting. Even though Cal Fire did not comment on the project, Staff recommended that the applicant comply with Cal Fire regulations as listed in Condition of Approval number 16.

**Categorically Exempt
Use Permit**

**ADOPTED
APPROVED**

Agency Input: None

Commission Questions:

Commissioner Veale asked why hot tubs, spas and pools are not allowed in vacation rentals. Staff explained that it is because they would have to meet commercial requirements which are very stringent and practically impossible for a residential property to meet.

The Chair opened the Public Hearing.

Public Input:

Mr. Jeff Pawlow, the project proponent, said the current project is consistent with the vacation rental he operates on the adjacent property.

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

Commission Discussion:

Discussion was held that Condition number 23 would also be included as one of the bullet items under Condition of Approval 3.B, and it would state that the use of fireworks or firearms by renters is prohibited at all times.

Motion: Following discussion, it was moved by Commissioner Lindler, seconded by Commissioner Veale, to Adopt Resolution PC-2021-022, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Pawlow Use Permit (UP-21-17) and Determining the Project Exempt from CEQA.

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

At approximately 10:08 a.m., Commissioner Lindler recused herself from hearing the Gregory Vesting Tentative Map project.

Agenda Item 3: Gregory Vesting Tentative Parcel Map (TPM-21-03) / Categorically Exempt

The project site is located on Hoy Road, north of the City of Weed on APN 020-130-090; Township 42N, Range 5W, Section 35 MDBM; Latitude 41.445°, Longitude -122.389°. The

OCTOBER 20, 2021

applicant is requesting a Tentative Parcel Map to create three new 40.00-acre parcels. The project site is zoned Prime Agricultural (AG-1) and Non-Prime Agricultural (AG-2-B-40).

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Gray. She told the Commission that the three proposed 40-acre parcels are within the Prime Agricultural and Non-Prime Agricultural zoning district which allows a minimum parcel size of 40 acres, and all three parcels have access to Hoy Road. Parcel 2 is developed with a single-family dwelling, accessory structures, driveway, onsite septic system and private well. Parcels 1 and 3 are undeveloped and have an approved septic area and adequate ground available in the general area for residential development.

Ms. Gray said the project is proposed to be exempt from CEQA pursuant to Sections 15061(b)(3) and 15304. Environmental Health and Cal Fire commented regarding their requirements. No public comments were received.

**Categorically Exempt
Tentative Parcel Map**

**ADOPTED
APPROVED**

Agency Input: None

The Chair opened the Public Hearing.

Public Input:

Mr. Robert Martin, the project representative, said he was available to answer questions.

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

COMMISSION QUESTIONS/DISCUSSION:

The Commission asked Mr. Martin whether Hoy Road is paved, and he said it is through the project, and whether a 20-foot easement was a road on Parcel 1, and Mr. Martin said it is an existing driveway to an adjacent property owner.

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to Adopt Resolution PC-2021-024, 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 Gregory Vesting Tentative Parcel Map (TPM-21-03).

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

At approximately 10:16 a.m., Chair Melo called for a break
At approximately 10:20 a.m., Chair Melo resumed the meeting and
Commissioner Lindler returned to the meeting.

OCTOBER 20, 2021

Agenda Item 4: Update from County Counsel Regarding Senate Bill 9, Housing Development and Tentative Maps

The previously circulated memorandum was reviewed by the Commission, and a presentation was provided by Mr. Carroll.

Mr. Carroll told the Commission that SB9 allows single-family residence zones to be split into two as part of a ministerial permit process, which forces two houses onto one lot where only one was allowed before. Lots can be split into two, and each has to have at least 40 percent of the area of the original one.

Mr. Carroll reviewed US Census Bureau data, and about two-tenths of one percent of Siskiyou County generally, including the municipalities, is urban area or urban cluster, and those clusters are essentially the cities of Yreka, Weed and Mount Shasta. There are no other urban clusters in the unincorporated areas where the Planning Commission had jurisdiction.

Mr. Carroll said one area where a change could be made would be regarding tentative maps. Currently the County ordinance allows for five years, and SB9 changed it to six years. After discussion, it was decided to leave things as they are, i.e., extend for two years, then allow two 18-month extensions, for a total of five years.

Agenda Item 5: Update from County Counsel for Discussion and Possible Direction to Staff Regarding Brown Act and COVID Requirements

Mr. Carroll told the Commission that the Governor's emergency orders which allowed board and commission members the ability to participate in public meetings via teleconference expired on September 30, 2021. At the same time, the legislature somewhat amended the Brown Act in the form of Assembly Bill 819.

Along those lines, if a board or commission member wished to telecommute, the board or commission would have to pass a resolution every 30 days should they want to operate under the emergency rules. Mr. Carroll didn't think the legislature thought it out very well for boards and commissions that meet monthly since some months have 31 days.

Ms. Marsh requested to make a comment. She said she hopes the Planning Commission will continue to allow the public to participate via teleconference since it is difficult for her to travel to attend meetings in person.

After discussion, the Commissioners agreed that they preferred to meet in person and will still allow the public to participate via teleconference, so no resolution would be necessary.

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

1. **Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, November 17, 2021, at 9:00 a.m.
2. **Correspondence: None**

OCTOBER 20, 2021

3. **Staff Comments:** Mr. Dean told the Commission that Staff took the Public Trust Doctrine issues to the Board of Supervisors, and Staff received direction to move forward with no further consumptive use on agricultural wells. Domestic wells were determined to be de minimis as far as the percentage of overall ground water consumption in Scott Valley. If one has an existing agricultural well, they can continue to operate it, and if it needs to be replaced, it can be replaced. If a person wants a new agricultural well, they would have to demonstrate there is no further consumptive use associated with it.
4. **Commission Comments:** Commissioner Lindler said she was contacted by some people in her district regarding their concerns about the length of time it takes to get project approval from the Planning and Building Divisions. Staff responded that they are doing the best they can with the staff that they have.

Adjournment: The meeting was concluded at 11:17 a.m.

Respectfully submitted,

Signature on file

Richard J. Dean
Interim Secretary

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