

Siskiyou County Planning Commission
Regular Meeting
September 21, 2022

The Siskiyou County Planning Commission meeting of September 21, 2022, was called to order by Vice Chair Fowle at 9:00 a.m. at the Board of Supervisors Chambers, 311 Fourth Street, 2nd Floor, Yreka, California.

Present: Commissioners Hart, Melo, Veale and Fowle

Absent: Commissioner Lindler

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; Janine Rowe, Commission Clerk

Minutes:

August 17, 2022: It was moved by Commissioner Melo, seconded by Commissioner Veale, to approve the Minutes from the August 17, 2022, Planning Commission meeting as presented.

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

Unscheduled Appearances:

Mr. Murry Taylor of Fort Jones requested to make a comment against the Kidder Creek Orchard Camp project. Vice Chair Fowle said that due to the fact that Staff was going to recommend continuing that item, and because people attended the meeting expecting to be able to speak, he would allow people five minutes to make their comments.

Mr. Taylor said he is concerned about expansion of Kidder Creek Orchard Camp (KCOC). Mr. Taylor said he has a background in firefighting. He is concerned about KCOC expanding to the number they're requesting and believes the camp is in peril at its current number. Mr. Taylor said he thinks the Planning Commission and Board of Supervisors must consider the potential of catastrophic fire and believes the proposed escape zones are inadequate. There is potential for fire in the area especially on high fire days.

Conflict of Interest Declaration: None

Presentation of Documents, Availability of Public Records, and Public Hearing

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

Changes to the Agenda: Staff requested that the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) Environmental Impact Report be continued to the October 19, 2022, meeting. Vice Chair Fowle said he was aware that one of the commissioners who heard the project in August would not be present for the October meeting. After discussion, the Vice Chair requested a motion to continue the project to November.

Motion: It was moved by Commissioner Melo, seconded by Commissioner Hart, to continue the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) Environmental Impact Report to the November 16, 2022, Planning Commission meeting.

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

New Business:

Agenda Item 1: Short-Term Rentals Presentation of Data

This item will present a short-term vacation rental analysis as part of the Housing Element Update. This presentation will highlight the current conditions of the short-term vacation rental market in Siskiyou County, review of Siskiyou County's current Vacation Rental Ordinance, along with case studies and best practices of short-term vacation rental programs regulated by other local government agencies. Potential recommendations and revisions of the vacation rental ordinance, which will be considered at the October meeting, will also be presented.

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Lang along with Mr. James Coles of Housing Tools.

Ms. Lang told the Commissioners that Staff was presenting the information from the draft short-term rental analysis regarding what is presently going on in the County and would come back in October for a formal recommendation based on recommendations contained in the draft analysis. Those recommendations would then be presented to the Board of Supervisors. Ms. Lang said the housing element is part of the land use element of the County's General Plan which is also in the process of being updated.

James Coles of Housing Tools gave a presentation summarizing the research done on vacation rentals in the County. Mr. Coles said the purpose of the analysis was to analyze the vacation rental market in relation to the overall rental market in unincorporated Siskiyou County, to review the County's current vacation rental ordinance, review case studies for the regulation of vacation rentals, and recommend revisions to the current ordinance.

Searches were done on Airbnb and VRBO from March 16 through 24, 2022 for the dates of July 1 through 8, 2022 and January 23 through 30, 2023. There were 151 listings during that time period, most of which were in the unincorporated areas around Dunsmuir/Mount Shasta as well as McCloud. Average weekly rent was \$1,994 and larger houses rented for quite a bit more. There are an estimated 2,836 rental units throughout unincorporated Siskiyou County, which includes vacation rentals. As a point of comparison, if all vacation rentals were converted to long term leases, the vacancy rate would increase from 2 percent to 7.3 percent assuming all the vacation rentals were vacant.

Mr. Coles said that based on the current County ordinance, there are 131 use permits for vacation rentals that have been approved since 2001. There are 13 applications currently pending, and 10 applications have been submitted, 2 of which have been approved and 8 are pending Planning Commission approval.

Mr. Coles said that research conducted in other vacation destinations reflected that limitations were being put into place because workers who service those businesses are also having trouble finding housing. Some areas have placed a one percent cap of the area's housing stock. Some areas have added a lodger's tax which is passed onto the renter and goes directly to the jurisdiction in which the vacation rental is located. Mr. Coles said there could be different options to fund affordable housing production, i.e., dedicate a portion of the transient occupancy tax (TOT), assess a one-time impact fee charged at the time a use permit is issued, or a lodger's tax assessed as a per night charge to guests.

Commission Questions / Discussion:

Discussion was held regarding the information presented by Mr. Coles. A lengthy discussion was held regarding the difficulty a property owner has when they want to evict a bad tenant from a long term rental. Also discussed was the fact that long term rentals are needed even though it is easier to own a vacation rental.

Vice Chair Fowle said he would like Staff to provide information at the October meeting regarding the amount of TOT that is collected from vacation rentals as well as the amount of TOT collected countywide from hotels and motels. Discussion was held about where the TOT taxes go and if the County receives any of it if it comes from a facility located within incorporated city limits and whether that TOT is reported to the County.

The Vice Chair opened the Public Hearing.

Ms. Anne Marsh of Etna said she knows there are 13 vacation rentals in Scott Valley, and to her knowledge they are not permitted. She said the County has no oversight and they allow permits to run with the land. She said someone who wants a vacation rental shouldn't be able to just purchase the land and take over the vacation rental use permit, but that they should have to go through the application process again. Ms. Marsh said she is opposed to either of the two fees because it would just be a money maker for the County. Ms. Marsh said the estimated cost of long-term rentals is highly understated, and that the report doesn't take into consideration the homes lost in the McKinney and Mill fires because the people who were displaced are now looking for homes.

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

Ms. Jereb asked the Commission to review the recommended policies and give Staff their recommendations.

Recommendation 1--remove the 2.5 acre minimum: Commissioners Veale, Melo and Fowle agreed that the 2.5 acre minimum requirement should be removed.

Recommendation 2--freeze the issuance of new permits if they are more than two times the estimated number of rental vacancies in the unincorporated areas of the County: Vice Chair Fowle and Commissioner Veale said they were not comfortable applying that countywide, and they want to see what the ratios look like in the regions presented. Commissioner Melo said he doesn't want a limit at this point until more information is provided.

Recommendation 3--geographic moratorium on issuing new permits in unincorporated areas around Dunsmuir and Mount Shasta as well as in McCloud: Commissioner Melo said he was not in favor and that nothing was heard from McCloud when the moratorium was proposed. Commissioner Hart was not in favor of a blanket moratorium and said that if Dunsmuir, Mount Shasta and McCloud want a moratorium, they need to go through the process and not put it on the Planning Commission, and he thinks the Board of Supervisors would support that. Vice Chair Fowle said he did not like a blanket imposition and that McCloud and Scott Valley could impose a moratorium on themselves.

Discussion was held regarding properties destroyed as a result of a fire are considered undeveloped for tax purposes and would be reassessed. Discussion was held how vacations rentals could positively help with the County's budget.

Recommendation 4--implement a licensing and monitoring program: Vice Chair Fowle asked if there wasn't already a fee to apply for a vacation rental permit, and Ms. Jereb said a one-time fee is collected when they initially apply, but vacation rental permits are land use and can't be rescinded without going through a process. Vice Chair Fowle asked if this would introduce a new annual fee for vacation rental permits and could the fees be protected from the general fund in order to pay for a County employee hired specifically to do monitoring, and Deputy County Counsel Bill Carroll said it can be specific and dedicated to a specific fund. Commissioner Hart asked how the \$500 fee was calculated, and Mr. Coles said it was based on similar fees collected in other places in the state. The amount could be higher or lower based on what it would cost for a County employee to monitor a specific site. Vice Chair Fowle said he can't believe annual inspections of vacation rentals aren't done anyway.

Through the Chair, Ms. Lang said this recommendation is just for some additional context like other local jurisdictions handle monitoring processes, and it allows for a county to have additional authority in order to maintain and ensure the health and safety standards are being met. It gives the property owner incentive to do their due diligence in keeping the property in good condition.

Discussion was held regarding the fact that the \$500 per year annual fee would apply to previously approved vacation rental use permits. Mr. Dean pointed out that the revenue generated by the \$500 annual fee would not be enough to cover the cost of hiring a full-time employee but possibly part time to monitor vacation rental permits. Vice Chair Fowle suggested that the annual cost of someone to monitor permits, including benefits, having a vehicle, etc., be divided by 151 which would be what the annual fee should be.

Recommendation 5--implement a \$20 per night flat fee lodger's tax: Vice Chair Fowle said either you have the TOT or you have the lodger's fee, but not both. Ms. Jereb said the reason \$20 was proposed is that the complaint heard most is that long term housing is being taken away and everything is too expensive. The fee was intended to offset the impact of vacation rentals and to help people who need housing to support the tourism generated by vacation rentals. The lodger's tax would not get allocated to another fund and would be intended specifically for affordable housing, unlike TOT which can go to almost anything.

Discussion was held regarding the fact that there is no tracking to document whether or not TOT is paid. Mr. Coles said approximately \$543,600 per year would be generated by a \$20 per night lodger's tax. Discussion was held regarding whether or not increasing the TOT would have to go to the voters, and Mr. Carroll said he believed it would and wants to research it.

Vice Chair Fowle said he wants more information and pathways to what could be generated. Commissioner Hart said it's either long term rentals with problem renters, or vacation rentals with no housing available for locals and nobody is happy about either one. Commissioner Melo said he is concerned about the County's debt and wants money to stay in the County.

At approximately 11:03 a.m., the Vice Chair called for a break.

The Vice Chair called the meeting back to order at 11:09 a.m.

Old Business:

Agenda Item 1: Dobson Zone Change (Z-21-08) / Categorically Exempt

The project is a proposed zone change for approximately 690 acres from Prime Agricultural (AG-1) and Non-Prime Agricultural (AG-2-B-40) to Timber Production (TPZ) in order to align the zoning with the primary use of the land, forestry. The project site is located south and west of the community of Grenada, west of Cram Gulch Road; APNs 022-010-200 and 022-010-220; Township 43N, Range 7W, Sections 1 and 12 MDB&M.

**Categorically Exempt
Zone Change**

**Recommending Adoption
Recommending Approval**

Staff Report:

The previously circulated Supplemental 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 applicants are proposing to rezone 691 acres from AG-1 and AG-2 with a 40-acre minimum parcel size to timber production in order to align zoning on the property with historic, current, and planned future use. She said the project was presented at the July meeting and was continued to allow Staff and Counsel to research and respond to concerns about site classification, ownership, and stocking requirements.

Ms. Cizin said the site classification and ownership exhibit provided in July was a prior version of the County's TPZ ordinance. The current TPZ ordinance, which became effective April 14, 1994, continues to incorporate List C. Therefore, the property is not shown on Lists A or B but must meet the requirements of List C. The parcels exceed the minimum equivalency of 40 acres of Site Class III (timberland). The professional forester, Dan Larivee, prepared a map and plan which included all requirements and was present to answer questions.

Ms. Cizin said that Staff recommended finding the project to be statutorily exempt from CEQA per Section 15264, Timberland Preserve Exemption, and recommended adopting Resolution PC 2022-017 recommending that the Board of Supervisors determine the project statutorily exempt and approve the zone change.

Agency Input: None

Commission Questions: None

The Vice Chair opened the Public Hearing.

Mr. Dan Larivee, the professional forester on the project, said that the Dobson property has more than 40 acres of Site III to begin with and also has land in Sites IV and V. Thus, it easily meets the criteria of 40 acres of Site III equivalent.

Mr. Carroll said part of the problem in the July presentation was that the prior TPZ ordinance language was used which included the word averaging, and he didn't catch that it was an old version of the ordinance. The current ordinance requires that all it has to have is 40 acres of Class III.

Discussion was held that the old ordinance was in front of the Commission in July, so the project didn't meet the old criteria. The old ordinance said the property had to be under single ownership but that limitation no longer applies.

Vice Chair Fowle brought up Commissioner Lindler's question from the July meeting about stocking requirements, and Mr. Larivee said it was obvious when he walked around the property that trees were present. He looked at historic photos and saw that it was obvious there was some ag in one part, which was the least stocked 40 in his opinion, so he walked the least stocked 40 and it easily met stocking requirements.

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

Commission Discussion: None

Motion: Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Veale, to Adopt Resolution PC 2022-017, A Resolution of the Planning Commission of the County of Siskiyou, State of California, recommending that the Siskiyou County Board of Supervisors Determine the Project Exempt from the California Environmental Quality Act and Approve the Dobson Zone Change (Z-21-08) by Adopting a Draft Ordinance Rezoning 691 Acres (APNs 022-010-200 and 022-010-220) from AG-1 and AG-2-B-40 to TPZ.

Voted upon and the Vice Chair declared the motion carried unanimously by those Commissioners present on the following roll call vote:

Ayes: Commissioners Hart, Melo, Veale and Fowle

Noes:

Absent: Commissioner Lindler

Abstain:

Items for Discussion/Direction: None

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, October 19, 2022, at 9:00 a.m. Vice Chair Fowle announced that Commissioner Hart would be absent for the October meeting and that Commissioner Lindler should be present.

Vice Chair Fowle asked Staff about what projects might be on the agenda for the October meeting, and Ms. Lang said there is a potential zone change and use permit with an associated MND for the Goodwin project located at 2409 Oberlin Road.

- 2. Correspondence:** Staff presented the Commission with some emails received from Mr. Jim Williamson who owns the property on which the Timberhitch Mine is located. Mr. Williamson had concerns that the County should impose additional insurance requirements on the McMillans. Ms. Lang said that is out of the purview of the County and the Planning Commission, and the matter continues to be a civil issue between the Williamsons and the McMillans. Staff has consulted with the State because there are some issues relating to the fact that there is no longer a living proponent of Butte Creek Minerals, so the son of the McMillans can't necessarily perform reclamation. Ms. Lang said it will likely transfer over to coordination between the County and the State.

Mr. Dean said for clarification that Mr. McMillan's son started to work on the property, but his mother passed away so because both original owners of Butte Creek Minerals are deceased, Mr. McMillan's counsel advised him not to continue the work.

Vice Chair Fowle wanted to know how many other use permits for quarries the County has that are directly held by the landowner. Ms. Cizin said Staff has received applications for two new projects in which the US Forest Service is the property owner, and she would find out how many prior permits there are.

3. Staff Comments: None

- 4. Commission Comments:** Commissioner Hart reported that he attended a meeting with the Department of Fish and Wildlife, and they talked about wolf capture which hasn't occurred. He discussed depredation of his cattle. As he was moving them from the mountains through Mount Shasta Vista subdivision to his property, he saw plastic, trash, and abandoned water trucks, vehicles, and trailers. There was a lengthy discussion regarding the wolf population and inactive radio collars.

Adjournment: The meeting was concluded at approximately 11:39 a.m.

Respectfully submitted,

Signature on File

Hailey Lang, Secretary