

Siskiyou County Planning Commission
Regular Meeting
October 19, 2022

The Siskiyou County Planning Commission meeting of October 19, 2022, was called to order by Chair Lindler at 9:00 a.m. at the Board of Supervisors Chambers, 311 Fourth Street, 2nd Floor, Yreka, California.

Present: Commissioners Melo, Fowle, Veale, and Lindler

Absent: Commissioner Hart

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

Minutes:

It was moved by Commissioner Fowle, seconded by Commissioner Veale, to approve the Minutes from the September 21, 2022, Planning Commission meeting as presented.

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

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

Old Business: None

New Business:

Agenda Item 1: Blais Zone Change (Z-22-01) / Boundary Line Adjustment (BLA-22-02) / Categorically Exempt

The project is a proposed zone change of approximately 17.8 acres of a 302-acre parcel from Prime Agricultural (AG-1-B-80) to Rural Residential Agricultural (R-R-B-40) in order to facilitate a concurrent boundary line adjustment. The boundary line adjustment proposes to consolidate all lands improved for agricultural production onto a single 302-acre parcel. The project site is located at 3745 Hurds Gulch Road, approximately four miles southeast of the Town of Fort Jones, and approximately one

mile east of the intersection of Eastside Road and Hurds Gulch Road on APNs 023-270-110, 023-270-310, 023-270-390, and 024-190-140; Sections 25 and 30, Township 43N, Range 8W, MDB&M; Latitude 41°545, Longitude -122°816.

**Categorically Exempt
Boundary Line Adjustment
Zone Change**

**Recommending Adoption
Conditionally Approved
Recommending Approval**

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 two of the three parcels, resultant Parcels 1 and 3, would increase in acreage to consolidate the land capable of sustaining agricultural production onto a single agricultural parcel. She said staff proposed that the project be found consistent with the zoning, General Plan, and Scott Valley Area Plan for the site.

Ms. Gray said there was no substantial evidence that the proposed zone change from AG-1-B-80 to R-R-B-40 would have a significant effect on the environment and recommended that the project be found exempt from CEQA pursuant to Section 15301(b)(3) the common sense exemption, as well as Section 15301, the Class 1 exemption, because the project includes existing facilities such as the existing agricultural operation and single family dwelling that are on the project site. Also, Section 15305(a), minor alterations in land use limitations, applies because the boundary line adjustment does not propose any changes in land use and will not create any new parcels.

Ms. Gray said Environmental Health, Cal Fire, and the County Agricultural Commissioner all commented. No public comments were received.

Ms. Gray said Staff was recommending that the Planning Commission conditionally approve the boundary line adjustment and recommend that the Board of Supervisors approve the zone change.

Agency Input: None

Commission Questions: None

The Chair opened the Public Hearing.

Public Comments: None

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

Commission Discussion: Commissioner Fowle requested clarification regarding how the parcels were being reconfigured in order to ensure they would be consistent with the Scott Valley Area Plan and discussion was held.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Adopt Resolution PC-2022-020, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Conditionally Approving the Blais Boundary Line Adjustment (BLA-22-02) and Recommending that the Siskiyou County Board of Supervisors Determine the Project Exempt from the California Environmental Quality Act and Approve the Blais Zone Change (Z-22-01) by Adopting a Draft Ordinance Rezoning 1.1 acres of Resultant Parcel 3, 15 acres of Resultant Parcel 2, and 1.7 acres of Resultant Parcel 1 from AG-1-B-80 to R-R-B-40.

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

Ayes: Commissioners Melo, Fowle, Veale, and Lindler

Noes:

Absent: Commissioner Hart

Abstain:

Agenda Item 2: Cortopassi Use Permit (UP-22-06) / 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 600 Spring Creek Road, approximately one mile northwest of the City of Mt. Shasta on APN 036-190-280 Township 40N, Range 4W, Section 17, MDB&M; Latitude 41.317°, Longitude -122.330°.

**Categorically Exempt
Use Permit**

**Continued
Continued**

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 proposed short-term vacation rental is a 2,670 square foot home that sits on 2.9 acres and is zoned Rural Residential Agricultural (R-R-B-1). The project is consistent with zoning for the area and the General Plan. The five required parking spaces are located adjacent to the house. Four bedrooms are being proposed as sleeping quarters, and the septic system capacity will allow for a maximum occupancy of eight persons.

Ms. Gray said that the property was inspected by the Building and Environmental Health Divisions. She said the project is exempt from CEQA pursuant to Section 15301, existing facility, and there are no unusual circumstances or future activities which might reasonably result in the project having a significant effect on the environment.

Ms. Gray told the Commissioners that three public comments were received as well as a response from the applicant after the staff report was written. The commenters said a few large gatherings have been held at the project site which disturbed the neighbors. Also reported was an unattended campfire, and Cal Fire created an incident report. Mt. Shasta Fire Protection District was the first to arrive on scene and described the campfire as being large in nature, embers were being cast into the vegetation, and there was no one at the residence attending to the fire.

Ms. Gray told the Commission that Staff wanted to continue the project to the November meeting in order to conduct a follow-up site visit regarding public comments received and further investigate the CalFire incident but requested that the Chair open the public hearing for comments.

Agency Input: None

The Chair opened the Public Hearing.

Public Comments:

Paul Cortopassi, the project proponent, spoke in favor of the project. He said they have tried to be thorough while going through the use permit process with the County. Mr. Cortopassi said the former owner made him aware of complaints by neighbors regarding farm animals and property cleanup, and he said they have worked on cleaning up the property. He said he has owned the property for about six months and is rarely there. Mr. Cortopassi said he had a gathering in September in which there was loud music but it was turned off at 10:00 p.m. He said they hadn't gotten any complaints until the ones he received as a result of this process. Mr. Cortopassi said there was a small campfire that was in a firepit that is used for both campfires and cooking, and he said he talked to Cal Fire who just issued him a warning to make sure the fire was not left unattended. Mr. Cortopassi said he wants to be a good neighbor. He said he and his wife have other vacation rentals which are in good standing.

Chair Lindler asked Mr. Cortopassi whether the 40-person event was private or an event for hire, and Mr. Cortopassi said it was private. Chair Lindler then said that from the photos, his property is in a highly dense forest and doubted he meets Public Resources Code Section 4291 for fire safe clearance. Mr. Cortopassi said that hadn't come up with any inspectors but said he doesn't have any problem doing what needs to be done.

Commissioner Veale wanted to know if the prior owners were using the property as a vacation rental, and Mr. Cortopassi said based on what the prior owner told him, they had farm animals. He also believes they may have been operating a child care facility based on how the upstairs bedroom was set up.

Ms. Mandy Cortopassi, the project applicant, said they have never had any complaints about their other vacation rentals and offered to give their neighbors their cell phone number.

Mr. Alex Ferguson of Mount Shasta spoke in opposition to the project. He said his property is directly to the north, and one of the parcels was indicated as being undeveloped but that is part of his backyard. Mr. Ferguson said the environmental report doesn't address the effect on the full time residents. He has had negative past experiences with living next to a vacation rental. Mr. Ferguson talked about the private event and said the noise was disruptive because the entire neighborhood goes to bed before 10:00 p.m. He said he could see the smoke from the firepit from his backyard and thought it was irresponsible to have left the fire unattended. Mr. Ferguson said vacation rentals take away family units from the community and friends are unable to find a place to rent long term.

Mr. John Kruse of Mount Shasta spoke in opposition of the project. He discussed the previous owners and how a lawsuit was filed against the daycare center because the single lane gravel road could not handle the traffic it generated, and the daycare was shut down. Mr. Kruse said the new owners are intending to have a party vacation rental and plan to hold large events which will generate additional traffic. Mr. Kruse said he observed that the new owners' workers and friends don't observe the 5 mph speed limit on the road. He believes they will be holding additional large events in the future which will affect their whole neighborhood and way of life.

Discussion was held between Commissioner Fowle and Mr. Kruse about whether or not there is a homeowners association in place, which there is not, and whether there is a signed agreement regarding road maintenance, which there is not.

Mr. Harold Clinehens of Mount Shasta spoke in opposition to the project. He said he lives across the creek from the Cortopassi property. In addition to noise and fire safety that have already been

discussed, he added that there is a lack of general respect for the neighbors and their lifestyle. Mr. Clinehens talked about a rumor he heard regarding someone associated with the property in question wanting to shoot a bear cub that had been seen in the area.

Mr. Cortopassi spoke in rebuttal and said neither he nor his wife own firearms and would not go after a bear. He reiterated that they want to be good neighbors and would give out his cell phone number.

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

Commission Questions/Discussion:

Commissioner Fowle asked how many acres of the property are east of Spring Creek Road with the point being whether or not the vacation rental ordinance requires the property to be a minimum of 2.5 contiguous acres. Senior Planner Rachel Jereb said she didn't recall any language requiring the property to be contiguous but it would just have to be a single legal parcel.

Commissioner Fowle asked Staff to request more information from Cal Fire regarding their note stating that driveway access must meet the roadway width standards. He wanted to know if Cal Fire was referring to ingress/egress of Spring Creek Road needing that access or since it's a private road, is that also considered a driveway that needs to meet 4290 regulations.

Chair Lindler said she wanted a Cal Fire resource forester to go out and not only evaluate it for 4290 standards but also do a 4291 inspection because she believes the property does not meet 4291 standards.

The Commission Clerk informed Chair Lindler that one more person was requesting to make public comment, and after confirming it was not something previously stated, the Chair reopened the Public Hearing.

Ms. Beverly Clinehens of Mount Shasta spoke in opposition to the project. She said that she disagreed with Mr. Cortopassi's remark that the property is his private home and said she had a photograph of a sign in front of the property that says Spring Creek Lodge. Chair Lindler directed Ms. Clinehens to provide the photo to Staff.

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

Commission discussion resumed in which Staff was directed to verify the language in the vacation rental ordinance regarding whether parcels need to be contiguous, to confirm with Cal Fire about their ingress/egress requirements off a private road, and have a Cal Fire resource forester inspect the project property. Staff will also conduct any further investigation that was felt to be necessary.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to continue the Cortopassi Use Permit (UP-22-06) project to the November 16, 2022, Planning Commission meeting at which time additional public comment may be presented.

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

Agenda Item 3: Goodwin Zone Change (Z-21-02) and Use Permit (UP-21-06) / Mitigated Negative Declaration

The Project site is located in an unincorporated part of Siskiyou County approximately 2.3 miles east of the City of Yreka along Oberlin Road. The APNs associated with this project are 013-120-320 and

013-120-330. The project is proposing to change the zoning of APN 013-120-230 from Prime Agricultural (AG-1) to Light Industrial (M-M) and change the zoning of APN 013-120-330 from Prime Agricultural (AG-1) to Heavy Industrial (M-H). The proposed project plans to develop a recycling facility on the property and to expand an existing gravel parking lot. The facility would receive construction waste, which would be mechanically separated, crushed, and screened into aggregate base. The concrete and asphalt recycling facility would be located on the southeastern portion of APN 13-120-330. The expanded parking lot would be located on the western portion of APN 013-120-320. The facility will function Monday through Friday with no night, weekend, or holiday operations. Hours of operation will be 7:00 a.m. to 5:00 p.m., with eight (8) hours of operation expected per day. The operations at this site will vary based on time of year and type of construction projects within the area producing construction waste.

A Mitigated Negative Declaration (MND) has been prepared for this project. A 'mitigated negative declaration' means any negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Guidelines § 21064.5).

**Mitigated Negative Declaration
Use Permit
Zone Change**

**Recommending Adoption
Conditionally Approved
Recommending Approval**

Staff Report:

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

Ms. Lang described the project and gave a PowerPoint presentation. She said that Policy 39 outlines the process for confirming that soils are not suited for prime agricultural zoning which is met through the Initial Study/Mitigated Negative Declaration (IS/MND). Information regarding soils and wells confirmed that the land is not suitable for irrigation and agriculture and this was also confirmed by the Siskiyou County Agricultural Commissioner.

Ms. Lang said that through the CEQA process, since the County is the lead agency, it was determined that the IS/MND was adequate for the proposed project. The consultant hired by the project proponents, Vestra, completed a lot of the work and noted there were two potential environmental areas that could potentially have an impact but were reduced to less than significant with mitigation incorporation. The potential issues were biological resources and cultural resources.

Vestra found there were a number of special status species surrounding the property, and mitigation measures were implemented that the applicant would have to go through in the event those special status species were found.

There were no cultural resources noted, but the nearby landfill required an EIR which noted some resources. There is also a process the applicant would have to go through to make sure it's mitigated if necessary.

Ms. Lang told the Commission that comments were received from California Department of Fish and Wildlife. CDFW did not believe the biological assessment was adequate and wanted additional analyses to take place. Ms. Lang said as lead agency, Staff felt the biological assessment was adequate.

Ms. Lang said that Public Works had some comments regarding traffic impacts, but Vestra did not find through the Vehicle Miles Traveled data that there would be an impact.

Ms. Lang said public comments were received regarding zoning consistency from prime agricultural and either industrial or heavy industrial, but Staff believes it is consistent because there are both light industrial and heavy industrial parcels already operating that are adjacent to the project parcels.

A public comment was also received regarding potential for dust and air pollution which was something that was evaluated through the CEQA process. It is contained in the IS/MND and the consultant did not feel it was an issue.

Ms. Lang said that Staff recommended that the Commission conditionally approve the use permit and to recommend that the Board of Supervisors to approve the zone change and the IS/MND.

Agency Input: None

Commission Questions:

Chair Lindler noted a creek or swale on the map and wanted to know what the offsets were for operations around it if it is a watercourse.

Mr. Paul Goodwin, the project proponent, responded that the drainage shown in the map was blocked by concrete, asphalt, etc., that was dumped at the dump site above his property. He said it doesn't hold any water even during heavy rainfall.

Through the Chair, Ms. Lang told the Commission that a letter was received from Yreka City Manager Jason Ledbetter which was in favor of the project.

The Chair opened the Public Hearing.

Public Comments:

Mr. Goodwin explained the purpose of his project which was to become permitted as a recycling facility that could take construction materials, fire leftovers, etc., over time until there was enough to move a crushing plant in and then recycle the products which would then be reused in the community. The crushing plant would then leave.

Ms. Anna Prang of Vestra said she was available to answer questions about the procedures followed and provide information about any potential resources in the area. She said the drainages on site are indicated on the site layout which are ephemeral well defined channels that run through and are Class 3 water sources.

Mr. Pete Morrill of Montague spoke in opposition to the project. He said he primarily wanted clarification as to where the rock crushing would take place on the project. He thinks dust would be a significant issue to livestock and water and wanted more detail on how that will be mitigated. He said he was concerned about people with respiratory issues being impacted.

Ms. Judy Warner of Montague spoke in opposition to the project. She is related to the Morrills and visits them often and has lung issues. She wanted to know what other heavy industrial businesses already exist in the area. She wanted to know where the rock was coming from and why the crusher wouldn't be at the quarry.

Mr. Goodwin spoke in rebuttal and said the area from Oberlin to the Morrill property is zoned light industrial and heavy industrial zoning is on the south side of Oberlin. The zoning was consistent with the heavy industrial zoning on the other side of the dump road which is where the proposed rock crushing plant would be. He said they're located in the farthest south portion of that on the east corner as shown on the map. He reiterated that they would only be bringing in construction waste for processing, but they would not be excavating any material for crushing. No hazardous materials would be brought in. There would be water trucks for dust abatement. He pointed out that more dust is generated by the dump than what would be created by his facility.

A map (Exhibit D of the Staff Report Packet) of the project was put up on the projector screen so Mr. Goodwin could demonstrate where the project would be located.

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

Commission Discussion:

Discussion was held about ingress/egress to the property and Mr. Goodwin said they were talking about taking the material from the dump across the fence in an offroad truck.

Commissioner Fowle wanted to know if there was a soil test prepared by a certified soil scientist (CSS) because he didn't see any appendices that included CSS soil tests. Ms. Lang said Staff doesn't have any data from a CSS but felt it was met through policy. Commissioner Fowle said he wanted to make sure that a soil test was conducted by a CSS before it goes before the Board of Supervisors.

Discussion was held regarding two or three monitor wells noted on a map back in 2007. Commissioner Fowle directed Staff to make sure they were noted on the map if they are on the project property.

Through the Chair, Community Development Director Rick Dean said that Staff needed to add a condition that was previously missed that a chemical toilet and handwashing station was available for employees working on site during processing.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Adopt Resolution PC 2022-027 of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Siskiyou County Board of Supervisors Approve the Goodwin Zone Change (Z-121-02) and Use Permit (UP-21-06), and Associated Mitigated Negative Declaration Pursuant to the California Environmental Quality Act, with the addition of Condition number 10 which is a satisfactory assessment and verification of soil by a certified soil scientist prior to presentation to the Board of Supervisors, and additional Condition number 11 regarding chemical toilets, handwashing stations and bottled water.

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

Ayes: Commissioners Melo, Fowle, Veale and Lindler

Noes:

Absent: Commissioner Hart

Abstain:

The Chair called for a break at 11:00 a.m.

The meeting was resumed at 11:10 a.m.

Agenda Item 4: Housing Element Update / Categorically Exempt

California requires that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California's local governments meet this requirement by adopting Housing Elements as part of their General Plan. General Plans serve as the local government's "blueprint" for how the city and/or county will grow and develop over a 15–20-year period and include a minimum of seven mandatory elements: land use, transportation, conservation, noise, open space, safety, and housing. The Housing Element must be consistent with the other elements of the General Plan. General Plans are updated approximately every 20 years, while Housing Elements are on 8-year cycles to ensure relevancy and accuracy, since the housing market and needs are most closely tied to shifts in the economy. The current Siskiyou County Housing Element was adopted in 2014 and covers the period of 2014-2022.

This Housing Element update covers the eight-year period from November 2022-November 2030. It is intended to provide the Siskiyou County with a comprehensive strategy to promote the production of safe, decent, and affordable housing for all residents. It assesses current and projected housing needs, constraints to housing production, and resources available to meet the needs. It then establishes a set of housing goals, policies, and programs which are targeted to meet the housing needs over the Housing Element planning period. A key part of the Housing Element lays out strategies to address the needs of community residents that are not typically met by the private market, including low-income households, seniors, homeless individuals, and people with disabilities. The county does not directly build or own housing, but facilitates production by guiding zoning policies, coordinating with community partners, and in the case of affordable housing, by partnering with developers, lenders, and nonprofits on funding opportunities.

**Categorically Exempt
2022-2030 Siskiyou County Housing Element**

**Recommending Adoption
Recommending Approval**

Staff Report:

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

Ms. Lang told the Commission that the Housing Element update is mandated by the State and is required every eight years to account for housing conditions in the County. She said Staff recommended that the Planning Commission recommend the document to move forward to the Board of Supervisors so they can recommend the document to Housing and Community Development (HCD) for their review. HCD requires a 90-day review period and the deadline for adoption is February 2023.

Mr. Coles presented an overview of the Housing Element document. He said the purpose is to establish the County's priorities for housing its citizens in eight-year cycles and sets goals for allocation of funding, program coordination and zoning efforts to support the production of housing. Mr. Coles said it is one of the mandated elements of the County's General Plan.

Topics discussed were the Regional Housing Needs Allocation (RHNA), major legislative changes impacting the Housing Element, adequate sites inventory, housing needs assessment, and key actions of the housing program.

Key actions include an outline of the permit processing policies and zoning code revisions. Key actions also include procedures regarding unit production evaluation that tracks the number of units built and remaining site capacity by RHNA affordability level, adoption of procedures to provide individuals with disabilities reasonable accommodation to ensure equal access to housing, and establishment of a fair housing complaint and review process and make it available on the County website.

Agency Input: None

Commission Questions/Discussion:

Discussion was held regarding the fact that 21 percent of all housing units in unincorporated Siskiyou County are mobile homes. Discussion was held regarding the differences between mobile homes, manufactured homes, and recreational vehicles. Commissioner Fowle wanted to know if there was a way to break down the 21 percent to find out what are RVs and what are on foundations. Mr. Coles said they didn't have any information about how they arrived at the 21 percent estimate but said they could look into it further.

Discussion was held regarding the definition of an accessory dwelling unit (ADU) and whether it is the same thing as a guest house. Ms. Jereb said an ADU is a house that is secondary to the main house that is already existing on the property. The maximum square footage of an ADU is 1,200 square feet and has a full kitchen and full bath.

Discussion was held regarding the differences between an ADU and farm labor housing.

Commissioner Veale left the meeting at approximately 11:45 a.m.

Discussion was held regarding tracking income levels of people obtaining building permits. Mr. Coles said other jurisdictions track affordability for extremely low, very low, and low incomes by identifying whether a development is publicly subsidized and has recorded regulatory agreements and documentation that can be used to identify that those units house those income levels and the rents are affordable to those income levels. Mr. Coles said that currently there are 60 units total that are subsidized in the unincorporated County, but no additional units were produced between 2014 and 2022.

Discussion was held regarding one of the problems the County has is that low income housing tends to be high density, but the County doesn't have the services that it needs, i.e., sewer and water services to provide to high density housing. Thus, it's difficult to find parcels that would accommodate the RHNA that meets all the requirements in an area that had sewer services.

Discussion was held regarding whether or not the State would penalize Siskiyou County if they don't meet the metrics at the State level, and Mr. Coles said the State is taking a closer look on fulfilling the

RHNA for 2022-2030, but moving forward the County's RHNA for low, very low, and extremely low income is only two units.

Discussion was held about the terms "residences" and "living places" being used when talking about wildfires. Ms. Jereb said the definition of living places is unpermitted structures being used as a dwelling.

Discussion was held regarding the mention that many Hmong residents, who were illegal cannabis growers, may have experienced racial discrimination, and the Commission strongly and unanimously stated that the commentary is irrelevant to the topic at hand.

Discussion was held that not all the recent wildfires were included in the report as well as how many homes were lost and how many homes have been rebuilt.

Discussion was held about how the cost of affordable housing is calculated and that they are publicly subsidized. Discussion was held about median income levels by household size.

Discussion was held about the definition of disability, whether it be physical, mental, or emotional, and whether those with non-physical disabilities are included in the percentage of people who need special needs type housing.

Discussion was held that information regarding the ratio of available vacancies in different regions of the County was not available.

The Chair opened the Public Hearing.

Public Comments: None

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

Commission Discussion (continued):

Commissioner Fowle asked that future housing element reviews include a more accurate portrayal of the physical and economical needs within the County.

Chair Lindler expressed concern about the housing shortage getting worse due to homes being lost in wildfires.

Mr. Dean told the Commission that the building standards were rolled back to 2008 to assist people who are rebuilding from the Slater Fire, and the same will be done for people wanting to rebuild from the McKinney Fire. Another incentive is the waiver of building permit fees.

Discussion was held about subsidized housing if a person can only afford \$400 to \$500 per month.

The Commission provided Staff with a list of changes they would like presented to the Board of Supervisors which included the following:

- Delete the mention of an encounter a Hmong person had with law enforcement during the Lava Fire
- Correct the number of homes lost in the Boles fire to 165
- Approve the Resolution but instruct Staff to include the Planning Commissioners' comments in the Staff Report to the Board of Supervisors
- Correct the number of wildfires from three to "numerous"

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to Adopt Resolution PC 2022-024 of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Siskiyou County Board of Supervisors Approve the 2022-2030 Siskiyou County Housing Element with the noted Commissioners' comments and suggestions for edit within the document.

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

Ayes: Commissioners Melo, Fowle, and Lindler

Noes:

Absent: Commissioners Hart and Veale

Abstain:

At approximately 1:00 p.m., the Chair called for a break

The meeting resumed at 1:29 p.m.

Agenda Item 5: Vacation Rental Analysis / Categorically Exempt

The Vacation Rental Analysis report: 1) Analyzes the current Vacation Rental market in relation to the overall long-term rental market in Unincorporated Siskiyou County; 2) Reviews Siskiyou County's current Vacation Rental ordinance; 3) Reviews best practices for the regulation of Vacation Rentals; and 4) Recommend revisions to Siskiyou County's current Vacation Rental ordinance.

The Vacation Rental Analysis is exempt from the California Environmental Quality Act (CEQA), under Section 15061 (b)(b). Section 15061 (b)(3) consists of activities covered by the "common sense exemption" that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The Vacation Rental Analysis would not result in any direct or indirect physical changes to the environment. The Vacation Rental Analysis is strictly a policy document and does not provide entitlements to any specific land use projects.

Categorically Exempt

Continued

Chosen Vacation Rental Policies and Direct Staff to Come Back with Revisions to Section 10-6.1502(h) of the Siskiyou County Municipal Code

Continued

Staff Report:

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

Ms. Lang reminded the Commission that Staff presented information about the Vacation Rental Analysis at the September meeting, and there was discussion about existing conditions of vacation rentals in the County. Also discussed was how other jurisdictions were handling vacation rentals, and a menu of policy recommendations was also discussed.

At the Commission's request, information was provided regarding how many evictions occurred in long-term rentals in recent years (there were 308 evictions in 2021/2022) and the amount of TOT

generated from vacation rentals during the last fiscal year (\$386,000) which all goes to the County's General Fund.

Ms. Lang talked about potentially monitoring vacation rentals and a figure of \$500 annually would cover one inspection which would make sure the conditions of approval are being met.

Based on the discussion at the September Planning Commission meeting, Staff thought the Commission would be amenable to an annual inspection or some sort of an activity monitoring program, potentially freezing the issuance of new vacation rental permits if the number exceeds two times the estimated number of rental vacancies in the county, and potentially implementing a lodger's tax that would be paid by the guests of a vacation rental which would generate revenue to potentially fund new programs or further supplement the Planning Department.

Agency Input: None

Commission Discussion / Questions:

Discussion was held regarding whether or not the implementation of a lodger's tax would have to go to the voters, and Mr. Carroll said it would be judged by the criteria in the California Constitution. Mr. Carroll said there are seven exceptions where it doesn't have to go to voters, one of which is if it's to reimburse government costs for inspections, etc. If it would go toward subsidizing housing, Mr. Carroll thought it would have to go to the voters regardless of whether if it's called a fee or a tax.

Commissioner Fowle wanted to know if the \$500 per year annual fee would cover someone to do annual inspections of vacation rentals or whether the lodger's tax would be needed to make up the difference. Ms. Lang said Staff felt that the \$500 annual fee was adequate to cover the work a planner would need to do to inspect and review a vacation rental on an annual basis.

Mr. Carroll pointed out that if the Board of Supervisors approved the annual fee, the Auditor would be the ultimate authority and would do a formal study of salary, expenses, and potential revenue.

Through the Chair, Ms. Lang added that if a vacation rental required additional inspections, the Planning Department would potentially charge additional fees to go out there more than once.

Commissioner Melo expressed concern that imposing additional fees upon property owners who are operating vacation rentals may make it unaffordable for them to do business. Discussion was held that if the property owner could no longer afford to operate a vacation rental, they would more than likely sell the property for an amount that locals looking for places to rent would not be able to afford anyway, and it would be unlikely that such a property owner would turn the home into a long-term rental.

Discussion was held that the Commission was not in favor of placing a Countywide moratorium on vacation rentals but would rather limit them in certain areas where they are concentrated if the ratio of homes available to rent is less than homes being used as vacation rentals.

The Chair opened the Public Hearing.

Public Comments: None

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

Commission Discussion (continued):

Discussion continued regarding the vacancy ratio for each region in the County. Ms. Lang said Staff would pull data from current vacation rental use permits.

Discussion was held regarding the fees for applying for a vacation rental use permit. Ms. Jereb provided a breakdown and explained the process the applicant has to go through to get a land use permit. If the annual fee were imposed, it would be due the next calendar year after all the conditions of the use permit were met.

Discussion was held regarding the \$500 annual renewal fee that would be paid by the vacation rental property owner and the \$20 nightly lodger's fee that would be paid by the persons renting the vacation rental and the potential income generated by both fees. Commissioner Fowle asked Mr. Carroll to confirm his interpretation that if it is clearly spelled out that the \$20, or a percentage of \$20 per night, is going to pay for staff services rendered, no vote would be needed. But if it is worded that a portion or all of that \$20 tax/fee is to go to affordable housing, it will have to go to a vote depending on how it's worded. It would either have to be a majority or two thirds in order to be passed, in which case the County could say no, and the County still would not have a revenue source to go towards affordable housing development. Mr. Carroll confirmed that Commissioner Fowle stated it correctly.

The Commission provided their responses to Staff's recommendations, as follows:

1. Implement a licensing and monitoring program funded by an annual fee of around \$500 to renew a Vacation Rental license. The monitoring program would include an annual inspection of the property by County staff.

After discussion, the Commission was in favor of this recommendation, with the understanding that the Auditor would make the final determination of the rate.

2. Freeze the issuance of new vacation rental permits if the number of current permits is more than two times the estimated number of rental vacancies in unincorporated Siskiyou County at the end of the previous calendar year.

As the recommendation was written, the Commissioners were not in favor of it. The Commissioners would prefer that any freeze be based on region and not be applied Countywide. Commissioner Fowle recommended that 5 percent of total homes should be the ceiling.

3. Implement a \$20 per night flat fee Lodger's Tax that would be paid by vacation rental guests to the vacation rental owner. This generated revenue would fund the development of affordable rental housing in unincorporated Siskiyou County.

The Commissioners decided to continue this recommendation to the December Planning Commission meeting in order to get further clarification on the definition of affordable housing.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to continue the Vacation Rental Policy Recommendations to the December 21, 2022, Planning Commission meeting.

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

Discussion was held regarding the Agenda for the November meeting.

Items for Discussion/Direction: None

Miscellaneous:

1. **Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, November 16, 2022, at 9:00 a.m.
2. **Correspondence: None**
3. **Staff Comments: None**
4. **Commission Comments:** Commissioner Fowle asked Staff if they consulted with the Red Book so make sure the requirements for fire safety are achievable in the permit for Kidder Creek Orchard Camp, and Ms. Lang said they did.

Adjournment: The meeting was concluded at approximately 3:21 p.m.

Respectfully submitted,

Signature on File

Hailey Lang, Secretary