

**Siskiyou County Planning Commission
Regular Meeting
April 19, 2023**

The Siskiyou County Planning Commission meeting of April 19, 2023, 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 Hart, Melo, Fowle, Veale, and Lindler

Absent:

Also Present: Rick Dean, Director, Community Development Department; Hailey Lang, Deputy Director of Planning; Dan Wessell, Deputy Director of Environmental Health; Rachel Jereb, Senior Planner; Bernadette Cizin, Assistant Planner; William Carroll, Deputy County Counsel; Janine Rowe, Commission Clerk

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

Minutes: It was moved by Commissioner Melo, seconded by Commissioner Fowle, to approve the Minutes from the March 15, 2023, Planning Commission meeting as presented.

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

New Business:

Agenda Item 1: Rutherford Boundary Line Adjustment (BLA-23-01) / Categorically Exempt

The project site is located at 5916 Shastina Place, in the community of Lake Shastina, on APNs: 106-280-320, 106-240-300 and 106-280-330; Township 43N, Range 5W, Section 36 MDBM; Latitude 41.524°, Longitude -122.368°. The applicant is requesting Boundary Line Adjustment approval to merge three existing parcels into one 0.81-acre parcel with frontage to both Shastina Place and Gallop Road.

**Categorically Exempt
Boundary Line Adjustment**

**Adopted
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 Rutherfords proposed to merge their three parcels in the community of Lake Shastina which would result in one .81-acre parcel. The standard process for minor boundary line adjustments is administrative approval by the Planning Director. However, County Code Section 10-4.105.3 requires that if the resultant parcel has double frontage, the project must be approved by the Planning Commission.

Ms. Cizin said the project is consistent with the General Plan and zoning for its area. The project is exempt from CEQA per Section 15305(a) since it is a minor lot line adjustment which would not result in the creation of any new parcels. Agency comments were received and included a comment from the Lake Shastina Property Owners Association who had no objection to the proposed merger. No public comments were received. Ms. Cizin said staff recommended adopting the categorical exemption and approving the boundary line adjustment.

Agency Input: None**Commission Questions:**

Commissioner Fowle wanted to know why the code requires Planning Commission approval for a boundary line adjustment that would create double frontage.

The Chair opened the Public Hearing.

Public Comments:

Robert Martin of Montague, the project surveyor, explained that it's very common in Lake Shastina for property owners to own a neighboring lot in order to provide a buffer. The Rutherfords' house burned down due to an electrical fire and they want to rebuild in a location that would be over one of the existing boundary lines.

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

Commission Discussion:

Commissioner Fowle wanted to know if it would be possible to change the process to be administrative and not require it to go before the Planning Commission. Community Development Director Rick Dean said a good start would be to get direction from the Planning Commission. It was decided to agendaize a discussion about the issue at a future Planning Commission meeting.

Discussion was held regarding an Indemnification Agreement being required for a boundary line adjustment and whether or not the adjacent property owners are notified of administrative projects.

Chair Lindler asked staff to provide more information on the County Code regarding dual frontages.

Motion: Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Fowle, to Adopt Resolution PC 2023-009, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Rutherford Boundary Line Adjustment (BLA-23-01) and determining the Project Exempt from CEQA.

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

Agenda Item Number 2: Siskiyou Telephone Tentative Parcel Map (TPM-22-06) / Categorically Exempt

The project site is located at 99531 Highway 96 in the unincorporated community of Somes Bar on APN: 033-140-020; Township 11N, Range 6E, Section 4, HB&M; Latitude 41.3849°, Longitude - 123.4936. The applicant is requesting Tentative Parcel Map approval to create one new 0.037-acre parcel with a 1.83-acre remainder parcel and waive parcel map requirements.

**Categorically Exempt
Tentative Parcel Map**

**Adopted
Approved**

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 Commission that Siskiyou Telephone proposed the project in order to take a small portion of an existing parcel and locate their central office on it. The central office will not be an office with people but is basically a switching room for electrical components only. The only time anyone would be in the office would be if they were doing maintenance on the equipment. She said the project is not in any of the General Plan overlay areas and is consistent with zoning for the area. She said the phone company could have built the structure on the property but they wanted to create a separate legal parcel to create separation between the property owners.

Ms. Jereb said staff recommended approving the project. No comments have been received. She said subsequent to the staff report being submitted, the surveyor went out to the project site and due to the physical conditions on the site, the location that was originally proposed was modified slightly due to the slope. A revised tentative parcel map and an aerial image was provided to the Commissioners before the meeting.

Agency Input: None

Commission Questions:

Commissioner Veale wanted to know if the project applicant is creating a new parcel and whether that was why the phone company is the applicant and not the property owner. Ms. Jereb explained that they want to create a small new parcel which is allowed by code. She said the applicant is the phone company because they are the project proponent and they have an agreement with the property owner to split off a little portion of the parcel.

The Chair opened the Public Hearing.

Public Comments:

Robert Martin of Montague, project surveyor, said Siskiyou Telephone has a central office in the Somes Bar area, and the project proposes to relocate it to a location that will be easier to access. The current central office location has a power line which is viewed to be a potential fire hazard, and there is less potential for starting a fire by relocating it. Mr. Martin said the property owner signed the application and gave their consent to the project, but Siskiyou Telephone is the applicant because the project will entirely benefit them.

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

Commission Discussion: None

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Adopt Resolution PC 2023-008, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Project Exempt from the California Environmental Quality Act, Approving the Siskiyou Telephone Vesting Tentative Parcel Map (TPM-22-06), and Waiving the Parcel Map Requirements.

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

Agenda Item Number 3: Beese Use Permit (UP-21-31) / Categorically Exempt

The project is located at 102 Tamsen Way, west of the City of Mount Shasta on APN: 036-131-640; Township 40N, Range 4W, Section 8, MDB&M; Latitude 41.3239, Longitude -122.3357. The applicant is requesting Use Permit approval to establish a small church for a group that currently numbers approximately 15 individuals. The 2500 square foot church will include an assembly area, reception area, and two bathrooms.

**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. Jereb.

Ms. Jereb told the Commission that the project applicants proposed to establish a church on a 2.5-acre property located at 105 Tamsen Way, west of the city of Mount Shasta. The property is zoned Rural Residential and the church would require a conditional use permit. As part of the project, the project applicants are proposing to build a 2,500 square foot church which will include a main assembly area, a smaller reception area, and two restrooms. The maximum occupancy is proposed to be 47 persons, which is based on the calculated maximum occupancy of the assembly area.

Ms. Jereb said worship services would be held inside the building with the exception of the sacred folk dance that would be held outside. The dance would typically be held during the spring and summer and is held in the morning or later in the afternoon.

Ms. Jereb said the project is consistent with the General Plan and zoning for its area. She said staff recommended that the project be exempt from CEQA pursuant to Sections 15061(b)(3), 15303(c), and 15303(e). She said these sections apply because of the size, scale and intensity of the project. The proposed building has 2,500 square feet of floor area which Section 15303(c) exempts if it's a store, motel, office, restaurant or similar structure, and a small church is similar in structure to the examples given. Additionally, Section 15303 has a separate section for accessory structures such as garages, carports, patios, swimming pools and fences. Because this project involves the construction of accessory structures, 15303(e) also applies to this project.

Ms. Jereb noted that the planning staff report did not include Section 15303(e). It was added after comments were received regarding the exemptions that were proposed so staff took a closer look at that particular section.

Ms. Jereb said she received several phone calls from multiple neighbors who had questions. As a result, she created a map depicting the location of their properties in relation to the project property which she presented on the screen during the meeting. The comments included rumors that RVs and showers were included in the project, and Ms. Jereb clarified that RVs and showers are not part of the project. Some commenters said they were not aware that services had been held in the project applicants' home for several years. Comments were made regarding the impact to the neighborhood, traffic, parking, water usage, and impact to the neighboring wells, which are shallow.

Agency Input: None

Commission Questions: None

The Chair opened the Public Hearing.

Public Comments:

Project Proponents:

Robert Beese of Mount Shasta, project proponent, said he and his wife had been holding services in their home for the past eight years and the circle dances have been held for the last three to four years. He said he wanted to address his neighbors' concerns and maintain good neighborhood relationships.

Cathleen Alexander of Mount Shasta, project proponent, provided a history of their ownership of the property. She said they've had services in their home and decided they wanted to move the services into another building. She said if they had another building, they could have their circle dances inside in the winter. She said she would be happy to answer any questions.

Ms. Sheridan Stenberg of Mount Shasta spoke in support of the project. She said she moved to the area to be near the Beeses so they could attend services. She said she is excited to have their own building in which to meet. She enjoys listening to the music while eating breakfast in her backyard.

Mr. Robert Bohnaker of Mount Shasta spoke in support of the project. He said the neighbors are nice. He said the music is soothing.

Ms. Susan Tasa of Mount Shasta spoke in support of the project. She said she and her husband moved to the area about a year ago. She said she finds the gathering to be environmentally conscientious and the people who attend are similarly aligned and respectful of the neighborhood and environment. She said she thought a small gathering place would allow a place for people to gather and park which would help the neighborhood. She said the Beeses have a small orchard and are aware of water use.

Ms. Dwinn Dubrawsky of Mount Shasta spoke in support of the project. She said she is grateful that the Beeses came to Mount Shasta and are providing a place for people to gather, pray, sing, and dance together. She said her experience has been very positive.

Mr. Ronald Dubrawsky of Mount Shasta spoke in support of the project. He said he finds the services to be uplifting and looks forward to them.

Project Opponents:

Mr. Jeff Hawkins of Mount Shasta spoke in opposition to the project. He said he's been having problems with his well. He was concerned about the trees and shrubs that would be on the property and that keeping them watered would consume a great deal of water. He said he didn't see any septic tank or leach lines for the two restrooms. Ms. Jereb pointed out the location of his property on the map for the Commission.

Ms. Janet Harbour of Mount Shasta spoke in opposition to the project. She said she is Mr. Hawkins' neighbor to the north. She said she didn't receive enough information in time to be able to understand everything better. She said she encountered a lot of traffic on Easter on Pine Grove Drive. She wanted to know where people would park if they couldn't get a parking space in the 22 spaces provided. Ms. Harbour said her mother who lives with her wants the neighborhood to stay residential. Ms. Harbour said she was concerned about retreats and the number of people attending. She also expressed concerns about the church expanding and whether it would require environmental review and whether two bathrooms could accommodate 50 people if they have a retreat. She wanted to know where the septic and leach lines would be and was concerned about fertilizers seeping into the groundwater. She reiterated that she would've liked to have had more time to understand the project. She said she was concerned about the wells being shallow and if they had parking lights whether they'd be on at night.

Ms. Teresa Amesbury of Mount Shasta spoke in opposition to the project. She said she has the same questions as everyone else regarding their wells. She was concerned about the number of cars and if they started adding additional structures on the property. She wanted to know if the lights would be on all night in the church and if the property would be patrolled for the safety of the neighborhood.

Ms. Gabriela Ramirez of Mount Shasta spoke in opposition to the project. She lives in Santa Cruz and didn't receive notification of the project until last Friday. She said she was trying to understand what was going on. She was mainly concerned about traffic and the shallow wells. She said the neighbors told her that the number of people who attend services is more than what is proposed. She was concerned about people using part of her unfenced property to park and drive through. She repeated that she didn't hear about the project until last Friday and it wasn't enough time to understand what's going on. She said she was concerned about fire safety and that due to the number of people proposed, people would have barbecues, outside fires, etc. She was also worried about people coming in RVs. Ms. Ramirez wanted to know if there would be a caretaker on the property to oversee maintenance. She concluded by saying her major concerns were traffic, water, and fire safety.

Mr. Richard Mamayek of Mount Shasta spoke in opposition to the project. He said he doesn't want the church there. He said the Beeses want to hog part of his driveway and they want to change his driveway so the church can have a two-lane frontage road so cars can come and go. He wanted to know who would pay for that because he's on a fixed income and it would be a burden. He wanted to know how they would be able to conduct outside dancing without a blaring loudspeaker. He doesn't want it next to him. He said his wife is against the project as well. He wanted to know if the church qualified for tax breaks. He thinks there are enough churches in town already.

Ms. Heather Solus of Mount Shasta spoke in opposition to the project. She said her children live adjacent to the proposed building. She said she didn't think there was adequate time for public comment and that she didn't know about the project until the last minute. She said she has major

concerns about increased traffic, the number of people who would attend special events, and parking. She was also concerned about water and shallow wells.

Mr. Wes Solus of Mount Shasta spoke in opposition to the project. He said he owns the ingress/egress easement for the project property. He has major concerns about traffic. He didn't think notification to the adjacent property owners within 300 feet of the property was sufficient. He said not all the churches in the area were included in the comparison contained in the staff report. He was concerned about the maximum occupancy of 47 people inside the building and that there would be more people under the covered structure. He said he assumed the congregation would grow which would bring more traffic and parking impacts. He said he thought the public comment period should be extended. He said another primary concern is well water use because of the shallow well depths in the area.

The Commission asked Mr. Solus where his property was located in relation to the project site and there was discussion about the location of the easement.

Project Proponent Rebuttal:

Mr. Philip Oates of Talent, Oregon, spoke in rebuttal to the comments in opposition to the project. He said he designed the building and is an employee of the Siskiyou County Building Division. He said the building is 2,500 square feet with two bathrooms, and water usage would be less compared to water usage in a residence. He said the landscaping could be set up with a drip system. He said a well exists on the property. The parking spaces are designed for the occupancy of the building. Due to the slope on the property, there won't be a lot of flow coming off the property and it would be contained on site during construction.

Mr. Robert Beese, the project proponent, said the well on the property was used to water an agricultural field and it was five acres before it was split. He said the well was tested and produces around 30 gallons a minute. He said the 14 cars parked in front of his home at Easter wouldn't be there in the future if they are able to build their church, and the parking was designed according to standards to accommodate the number of people in the building. The plans also address the driveway and there is a 60-foot easement with an existing driveway. He said the driveway would have to be widened at their expense. He didn't see any reason why it would affect the fences. He said he didn't see any reason why they would be encroaching on Mr. Mamayek's property. He said they do their sacred dance once a week on Sundays mid-morning or mid-afternoon depending on the weather.

Ms. Cathleen Alexander, the project proponent, said there is a septic tank even though Mr. Hawkins said he didn't see one. She said they would pay for anything that had to be done to the driveway. She said they would talk to Mr. Solus about the easement. She said they had friends at their house on Easter for dinner which was why there were a lot of cars.

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

County Counsel William Carroll commented on the letter received from Dale LaForest of Mount Shasta Tomorrow who said the Public Hearing Notice was insufficient because it failed to disclose the church's intent to conduct outdoor group events. Mr. Carroll said according to the Government Code, the notice should include a general description of the project and that the law isn't any more exact than that. Mr. LaForest said the exemption under CEQA Section 15303(c) didn't apply since the

church has had outdoor floor areas under a covered deck, covered patio and two trellis-covered areas. Mr. Carroll said because Ms. Jereb stated during her presentation that there is an additional exemption under CEQA that wasn't included in the staff report for pertinent structures such as patios, etc., he thought it would be advisable to continue the project to next month's meeting and re-notice the hearing and include the additional CEQA exemption.

Commission Discussion:

Discussion was held regarding the easement and it was unclear whether it was 60 feet wide or 80 feet wide. Chair Lindler called for a break to allow time for staff to figure out the discrepancy.

The meeting went off the record at 10:27 a.m.

The Chair readjourned the meeting at 10:32 a.m.

Discussion continued about whether the easement is 60 feet or 80 feet. Wes Solus, the property owner, said the 80-foot easement was extinguished and replaced by the 60 foot easement and it was recorded in the deed.

Discussion was held regarding when the public hearing notice was sent to the adjacent property owners and when the staff report packet including its exhibits was available to the public. Commission Clerk Janine Rowe advised the Commission that the notices were mailed to the adjacent property owners on April 3, 2023, and that the staff report packets were posted on the Planning Commission meeting page on Friday, April 14, 2023.

Discussion was held regarding the number of parking spaces required for the project and whether the required ADA compliant spaces were included or whether they would be in addition to the number of required spaces. Mr. Oates confirmed that the 21 parking spaces would include the required two ADA compliant spaces.

Discussion was held that maximum occupancy would include both inside and outside spaces.

Discussion was held regarding whether the existing well is permitted. Environmental Health Deputy Director Dan Wessell said since it's an existing well and production is adequate, a permit is not required. Therefore, Commissioner Fowle directed staff to strike Condition of Approval 13.

Discussion was held regarding whether the water is suitable for public use. Mr. Wessell said the threshold is basically if a well serves 25 people for 60 continuous days out of the year that are the same people, they may fall under the regulatory requirement to become a water system. Ms. Jereb added that Condition of Approval 9 states that the applicant shall notify the California Division of Drinking Water and follow their requirements should attendance meet or exceed 25 persons per year or otherwise meet the definition of a non-community water system.

Discussion was held regarding Condition of Approval 5 regarding amplification of sound which refers to plugging an instrument into an amplification system.

Discussion was held regarding the septic system. Mr. Wessell said the project proponent will be required to obtain a permit for the septic system and meet all applicable setbacks to the existing well and adjacent wells, which includes the expansion area.

Discussion was held regarding whether or not another permit would be required if the project proponents were to have gatherings of up to 100 people two to four times a year. Ms. Jereb said currently the maximum number of people that would be permitted is 47.

Discussion was held regarding how the Planning and Building Divisions measure floor space to determine square footage.

Discussion was held regarding whether there was a conflict of interest with Mr. Oates assisting the project proponents with designing the building since he is employed by the County. Mr. Oates said he designed the building but the project proponent would hire an engineer or architect to do the construction drawings.

Discussion was held regarding whether or not solar is required, and Mr. Oates said it's required on residential buildings but not commercial buildings. Also discussed was the fact that currently the project does not include any lighting for either the parking lot or the exterior of the building.

Mr. Dean asked that the Commission to direct staff to remove the language in Exhibit D that talks about events and note that the condition within the conditional use permit is 47 total occupancy on the property on site.

Further discussion was held regarding noticing requirements. Mr. Carroll said that because a new CEQA exemption is being proposed, the project should be re-noticed for next month's meeting.

Discussion was held regarding public comment being reopened at next month's meeting because the project is being re-noticed.

Motion: Following discussion, it was moved by Commissioner Hart, seconded by Commissioner Veale, to continue the Beese Use Permit (UP-21-31) to the May 17, 2023, Planning Commission meeting.

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

Items for Discussion/Direction:

Chair Lindler directed staff to look into what it would take to remove the code requirement that the Planning Commission has to approve projects involving boundary line adjustments that would create double frontage.

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, May 17, 2023, at 9:00 a.m. Commissioner Fowle said it was unlikely he would be attending the May meeting.
- 2. Correspondence:** None
- 3. Staff Comments:**

Ms. Lang updated the Commission on the Housing Element. She said once the consultant has completed their report, the project will go before the Board of Supervisors for final approval.

Ms. Lang told the Commission that the project proponents for the Sinibaldi Use Permit (UP2204) filed an appeal with the Board of Supervisors asking that the Planning Commission's denial of their project be overturned.

Mr. Carroll told the Commission that he communicated with Public Works Director Thomas Deany regarding snow plowing on Highway 3. Mr. Deany said they didn't have the staff or equipment and that plowing a state highway would be an improper use of funds since their funding is for county roads only. Mr. Carroll offered to communicate with the County Administrator's office to see how they would like to handle the issue.

4. Commission Comments:

At Commissioner Veale's request, Ms. Lang provided an update on the Short Term Vacation Rental Analysis project.

Commissioner Hart wanted to know if the Planning Commission would be reviewing the County's draft for the well permitting ordinance and giving recommendations, and Mr. Dean said it will go to the Board of Supervisors for the ordinance change.

Discussion was held regarding whether or not to continue offering the Zoom option for the public's participation in meetings. Staff was directed to agendize the issue for the June meeting.

Adjournment: The meeting was concluded at approximately 11:44 a.m.

Respectfully submitted,

Signature on file

Hailey Lang, Secretary