

**Siskiyou County Planning Commission
Regular Meeting
November 20, 2024**

The Siskiyou County Planning Commission meeting of November 20, 2024, was called to order by Chair Fowle at approximately 9:00 a.m. in the Board of Supervisors Chambers, 311 Fourth Street, 2nd Floor, Yreka, California.

Present: Commissioners Hart, Veale and Fowle

Absent: Commissioner Melo

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

Minutes:

September 18, 2024: It was moved by Commissioner Hart, seconded by Commissioner Veale, to approve the September 18, 2024, Planning Commission Minutes as presented.

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

October 15, 2024: It was moved by Commissioner Veale, seconded by Commissioner Hart, to approve the October 15, 2024, Planning Commission Minutes 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: None

Availability of Public Records; Public Hearing Protocol; Right of Appeal Statement: The Chair noted that these items are contained in the Agenda.

Changes to the Agenda: None

New Business:

Agenda Item 1: Brunner Use Permit (UP-21-27) / 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 2026 Deetz Road, approximately 2 miles southwest of the city of Weed and approximately 3 miles northwest of the city of Mt. Shasta; APN: 021-500-360; Township 41N, Range 5W, Section 26, MDBM; Latitude 41.3671°, Longitude - 122.4011°.

**Categorically Exempt
Use Permit**

**Adopted
Denied**

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 proposed the conversion of a single-family home into a vacation rental. The property is 1.17 acres located in the sphere of influence of Mt. Shasta. Regulations at the time the project was submitted required vacation rentals in the Mt. Shasta sphere of influence to be on parcels of at least 2.5 acres. Despite being submitted before the 2.5-acre countywide moratorium, the project does not meet these requirements as it is in an area that already required 2.5-acre minimum parcel sizes. She additionally noted that the vacation rental code requirements were later modified with approval of Ordinance 24-04, but the 2.5-acre requirement still remains. She said staff recommends denying the project and finding it exempt from CEQA for disapproved projects. No public comments were initially received, but a last-minute comment was received from the project proponent.

Commission Questions: None

Agency Input: None

The Chair opened the Public Hearing.

Public Comments:

The Chair asked Ms. Jereb to read the comment submitted by Ms. Brunner. In summary, Ms. Brunner seeks compensation for the expenses incurred during a nearly three-year process for a short-term rental permit, which ended in denial due to the location of her property. Ms. Brunner described the steps she took in an effort to comply with the requirements of obtaining a conditional use permit for a vacation rental. Ms. Brunner acknowledged the precedent set for the sphere of influence two years before she submitted her application but has issues with the errors and demands by the Planning Department over a three-year period.

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

Commission Questions/Discussion:

In response to Commissioner Hart's question regarding how the project got past initial review, Ms. Jereb explained that Ms. Brunner submitted the project just before a new countywide 2.5-acre minimum parcel size requirement took effect. However, this rule had already been in place for properties within the sphere of influence of Mt. Shasta for two years, which is where Ms. Brunner's property is located. The oversight was due to the permit technician not typically checking for sphere of influence at that time. This particular project also had an ongoing code enforcement case which further delayed it getting assigned to a planner. Ms. Jereb said once she identified the issue, Ms. Brunner was informed that she did not meet the minimum parcel size requirement. Ms. Brunner was given the options to have the project heard during Planning Commission at which time staff would recommend denial, request cancellation of the project and request a refund should any monies remain from the original application fee, or request continuance of the project to allow her more time to decide. After multiple unresponsive periods and cancellation notices, Ms. Brunner chose to bring her project to the Planning Commission in order to plead her case.

Commissioner Veale wanted to know what the code enforcement case was about, and Ms. Jereb said the Code Enforcement officer was in the area on another case and happened to notice a new deck being built on Ms. Brunner's property. The officer noted it did not have a permit and when he contacted Ms. Brunner, she claimed it was to fix a loose railing as per the building inspection report. However, the officer clarified that the needed repairs did not require a permit, but replacing structural members of the deck did. Therefore, a building permit and an engineer's approval were necessary

before Ms. Brunner could build a new deck.

Ms. Jereb said she thought that a lot of the expense and time Ms. Brunner referred to in her comment relates to the deck expense which is actually separate from the Planning side of things. Ms. Jereb said Planning staff doesn't move forward on planning projects if there is an active code enforcement violation, unless moving forward on the project actually rectifies it, or if they need a permit for something and they don't have one.

Discussion was held about when Ms. Brunner was advised that she did not meet the minimum 2.5 acre requirement based on her location within the sphere of influence of Mt. Shasta and that Planning staff did not look at her project until the Code Enforcement issue was resolved.

Through the Chair, Mr. Dean suggested that the Planning Commission move forward with approval or denial of the permit and direct staff to consult with County Counsel to come up with a resolution.

Discussion continued regarding why applications are not thoroughly reviewed when they are first submitted to ensure all requirements are met. Chair Fowle acknowledged staff's checklist process but pointed out issues found by inspectors that caused project delays and that priority is given to complete projects. He noted multiple cancellation notices were sent and there were significant delays on the part of Ms. Brunner in addressing issues like getting an issue with the well resolved and obtaining building permits. Chair Fowle stressed the need for due diligence on the part of the project proponent, which seemed to be lacking in this case.

Mr. Dean added that Ms. Brunner was offered the opportunity to have the unused application fees refunded. Discussion was held that it was not under the Planning Commission's purview to determine whether or not there should be a refund of the application fees.

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Hart, to Adopt Resolution PC 2024-012, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Denying the Brunner Use Permit (UP-21-27) and determining the Project Exempt from CEQA.

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

Agenda Item 2: Jochim Use Permit (UP-24-13) / Categorically Exempt

The project site is located at 4381 Scott River Road, Fort Jones, CA 96032; APN: 014-370-030; Township 44N, Range 9W, Section 29, M.D.M.; MDB&M; Latitude 41.637°, Longitude 122.906°. The applicant is requesting approval of a use permit for construction of an open pole barn for lumber and portable sawmill operation and storage on a 140.8-acre parcel within the timber production zoning district; and occupancy of an existing cabin and accessory structures, including corals and a storage building, consistent with and pursuant to the uses permitted in the timber production zoning district.

**Categorically Exempt
Use Permit**

**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 the project proposes construction of a pole barn for lumber storage and a portable sawmill, along with occupancy of a small cabin, Quonset hut, and corrals for timber management. It is located on a 140.8-acre parcel northwest of Fort Jones that is zoned for

timber production. The site already includes a cabin, Quonset hut, corrals, water well, and septic system. The project is consistent with the General Plan and zoning for the area.

Ms. Jereb said the project is exempt from CEQA because there are no unusual circumstances or future activities which might reasonably result in this project having a significant effect on the environment. She said no public comments were received, and staff recommends adopting the exemption and approving the use permit.

Agency Input: None

Commission Questions: None

The Chair opened the Public Hearing.

Public Comments: None

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

Commission Discussion:

Commissioner Veale asked if a permit is required to do millwork, and Ms. Jereb said the TPZ zoning district is pretty restrictive as to what can be done. She said not only is a permit required for the building, but a use permit is required in order to occupy the building.

She added that timber processing by portable facilities also requires a use permit even for your own use because it is on TPZ land.

Chair Fowle said the County's zoning is TPZ and TPZ-B-80, but the Scott Valley Area Plan map shows the southern portion zoned as AG-1 and AG-2. He said the sliver just before the excessive slope area is AG-2 and the location of the cabin, Quonset hut and proposed pole barn looks like it falls in AG-1. He wanted to know if the County's TPZ zoning for that parcel was accurate or whether a portion that was pre-existing, non-conforming AG-1/AG-2 got lumped in as TPZ.

Ms. Jereb said the zoning consistency note under the background section of the staff report explains that the property was placed into TPZ in 1978. However, due to an administrative error in 1986, it was incorrectly mapped as rural residential and prime agricultural during the adoption of the Scott Valley Area Plan. She said the error was corrected by the Board of Supervisors in 1988, placing the property back into TPZ.

Motion: Following discussion, it was moved by Commissioner Hart, seconded by Commissioner Veale, to Adopt Resolution PC-2024-027, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Jochim Use Permit (UP-24-13) and Determining the Project Exempt from CEQA.

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

Agenda Item 3: Pine Place Road Setback Exception Request (SP-24-04) / Categorically Exempt

This project consists of a setback exception along the entirety of Pine Place Road north of the unincorporated community of Happy Camp. The exception is proposed to be specific to the 50-foot setback from the centerline of the Pine Place Road right-of-way. Neither the 20-foot setback from the property line nor a 25-foot building setback upon the subdivision map are proposed to change and would still remain.

**Categorically Exempt
Setback Exception Request****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 the project proposes an exception to the 50-foot setback requirement from the centerline of Pine Place Road in Happy Camp due to the road's 40-foot width, which results in 30 feet of the setback on adjacent properties. This exception aims to facilitate rebuilding efforts following the Slater Fire by increasing the buildable area within parcels. Approval is needed from both the Planning Commission and the Board of Supervisors. If approved, the setbacks will be 20 feet from the property line facing the road and 25 feet as per the subdivision map.

She said staff recommends that the project be determined exempt from CEQA per section 15305 of the CEQA guidelines. Class 5 exemptions consist of minor alterations in land use limitations which do not result in any changes in land use or density. No public comments were received, and staff recommends approval.

Agency Input: None**Commission Questions: None**

The Chair opened the Public Hearing.

Public Comments: None

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

Commission Discussion:

Discussion was held that there are multiple setbacks in County code. Ms. Jereb said the code includes multiple setbacks, with this one being specific to public roads. She said the requirement has been in place for decades, mandating a 50-foot setback from road centerline. For a 60-foot-wide road, this results in 30 feet within the roadway and 20 feet on the property which matches the County's standard zoning setbacks of 20 feet from the front of the property.

Ms. Jereb said in this project, the subdivision was created before the current setback requirements and a 25-foot setback was recorded on the map. She said if both the Planning Commission and the Board of Supervisors agree to eliminate the 50-foot centerline setback requirement, it would revert to the 25-foot setback. She said there is a process to remove the 25-foot setback, which would then leave a 20-foot setback. If a closer distance is still needed, they would need to go through another process to obtain a variance for the 20-foot setback. This is just the first step in a multi-step process.

Chair Fowle asked if there was a way to streamline the process in an effort to save time and money for future similar projects. Commissioner Hart pointed out that such a process would have to be separate from the subject project and noticed for another meeting.

Ms. Jereb said the subject project involves different zoning setback processes for county roads. Currently, only the 50-foot centerline setback is being requested and if the Planning Commission wants to address the 20-foot setback as well, comments from Public Works would be needed. The staff report includes specific questions about future expansions of Pine Place, potential detriments to circulation, safety hazards for vehicles, pedestrians, or cyclists, and any additional comments. Only comments on the 50-foot setback were requested, so additional feedback is necessary for the 20-foot

setback. The 25-foot building setback requires a certificate of correction process.

Commissioner Veale asked what triggered the project, and Mr. Dean said the home burned down in the Slater Fire and has been rebuilt. The property owner wants to build an attached garage which would encroach on the current setback so approval of this project is a path to make it happen.

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Hart, to Adopt Resolution PC 2024-026, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Exception of Pine Place Road from the Fifty-Foot Setback Requirement Along County Roadways (SP-24-04).

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

Ayes: Commissioners Hart, Veale and Fowle

Noes:

Absent: Commissioner Melo

Abstain:

Items for Discussion/Direction:

Ongoing Staff Update Regarding the General Plan Update

Ongoing agenda item pertaining to the Siskiyou County 2050 General Plan Update. Staff will be providing an update on the project schedule, deliverables, and any other updates relating to this project.

Staff Report: Ms. Jereb told the Commission that Ms. Lang said there is no update other than staff is working on updating the Vision Statement and Guiding Principles.

Miscellaneous:

1. **Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, December 18, 2024, at 9:00 a.m.
2. **Correspondence:**
 - A. Email from Ms. Olga Louchakova-Schwartz regarding Monte Shasta Mutual Water Company
 - B. Email from Ms. Bonnie Wood regarding Siskiyou County General Plan 2050 Vision Statement and Guiding Principles

3. Staff Comments:

Ms. Jereb told the Commission that Ms. Lang wanted to comment on the email from Ms. Louchakova-Schwartz who is the other adjacent property owner to the portion of Shasta Way proposing to be abandoned. She said Ms. Louchakova-Schwartz wants to build another driveway from her property, but that would be prevented if the subject portion of Shasta Way were to be abandoned. Ms. Lang said therefore, Public Works will not support the project to move forward, and County Counsel suggested that Planning staff inform the Board of Supervisors that Planning would not initiate road abandonment proceedings and will recommend the project for denial.

Mr. Dean told the Commission he attended the Shasta River/Scott River meeting regarding hydrology, and discussion was held about chinook and coho counts in the Scott River, Shasta River and Bogus Creek.

4. Commission Comments:

Commissioner Hart asked if staff received any feedback from the Board of Supervisors regarding comments made at the October 15, 2024, joint workshop, and Mr. Dean said none had been received other than the Board of Supervisors wanted a bullet point format for the Vision Statement and Guiding Principles.

Mr. Dean said he wanted it known that the waiting period for building permits is approximately one month, not over a year as was stated during the joint workshop. He said the Building Department team has worked hard to reduce the waiting period, and it is important not to spread misinformation because it discourages people from applying for building permits. Mr. Dean asked that that line of discussion not continue during public hearings.

Discussion was held regarding where in the county new building projects are taking place.

Discussion was held regarding the process for reviewing new project applications.

Discussion was held regarding the data from the California Department of Finance reflecting no growth is projected for Siskiyou County. Ms. Jereb said the data was collected pre-Covid when most people were working in office. She said now with remote work being much more common, future studies may show a shift from a decline to at least maintaining or potentially increasing in population.

Discussion was held about a reclamation plan that will be presented to the Planning Commission at a future meeting.

Discussion was held about updates to the well permitting process.

Discussion was held regarding Total Maximum Daily Load (TMDL) as it applies to Siskiyou County.

Adjournment: The meeting was concluded at approximately 10:23 a.m.

Respectfully submitted,

Signature on file

Hailey Lang, Secretary