



Siskiyou County
Planning Commission Staff Report
February 17, 2021

New Business Agenda Item No. 2
Fernandez Use Permit (UP-20-14)

Applicant: Marisa Fernandez

Property Owners: Marisa and Gabriel Fernandez
18903 Lahalah Way
Cottonwood, CA 96022-9816

Project Summary The applicant is requesting approval of the following:

- Use permit approval to allow short-term vacation rental use of an existing single-family dwelling.

Location: The project is located at 17309 Blocker Court in the community of Lake Shastina; APN: 107-240-320; Township 42N, Range 5W, Section 12; latitude 41.4994°, longitude -122.3761°.

General Plan: Erosion Hazard; Building Foundation Limitations: Severe Pressure Limitations Soils; Wildfire Hazard

Zoning: Single-Family Residential (Res-1)

Exhibits:

- A. Draft Resolution PC-2021-005
A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Project Exempt from the California Environmental Quality Act and Approving the Fernandez Use Permit (UP-20-14)
 - A-1. Notations and Recommended Conditions of Approval
 - A-2. Recommended Findings
- B. Comments

Background

The subject parcel is owned by Marisa E. Fernandez and Gabriel A. Fernandez. The project is located at 17309 Blocker Court in the Lake Shastina community, north of the City of Weed.

The property is a legal parcel that was originally created as Lot 78 as shown on the map entitled, "Tract No. 1000-5-3", which map was filed for record in the Siskiyou County Recorder's Office on May 18, 1971 in Town Map Book 5 at pages 64-68, inclusive. It was later modified by boundary line adjustment (BLA-15-20), which added a portion of Lot 79 to the parcel (Document No. 16-0009533). As a result of the boundary line adjustment, the parcel size increased from 0.30 acres to 0.44 acres in size.

The subject parcel is developed with a single-family dwelling that is appropriate to the Single-Family Residential (Res-1) zoning district. The dwelling is a single-story structure with three bedrooms. Water and sewer are provided by connection to the Lake Shastina Community Services District utilities.

The surrounding properties are zoned Res-1 and are developed with single-family dwellings. The adjacent golf course is zoned Open space (O).

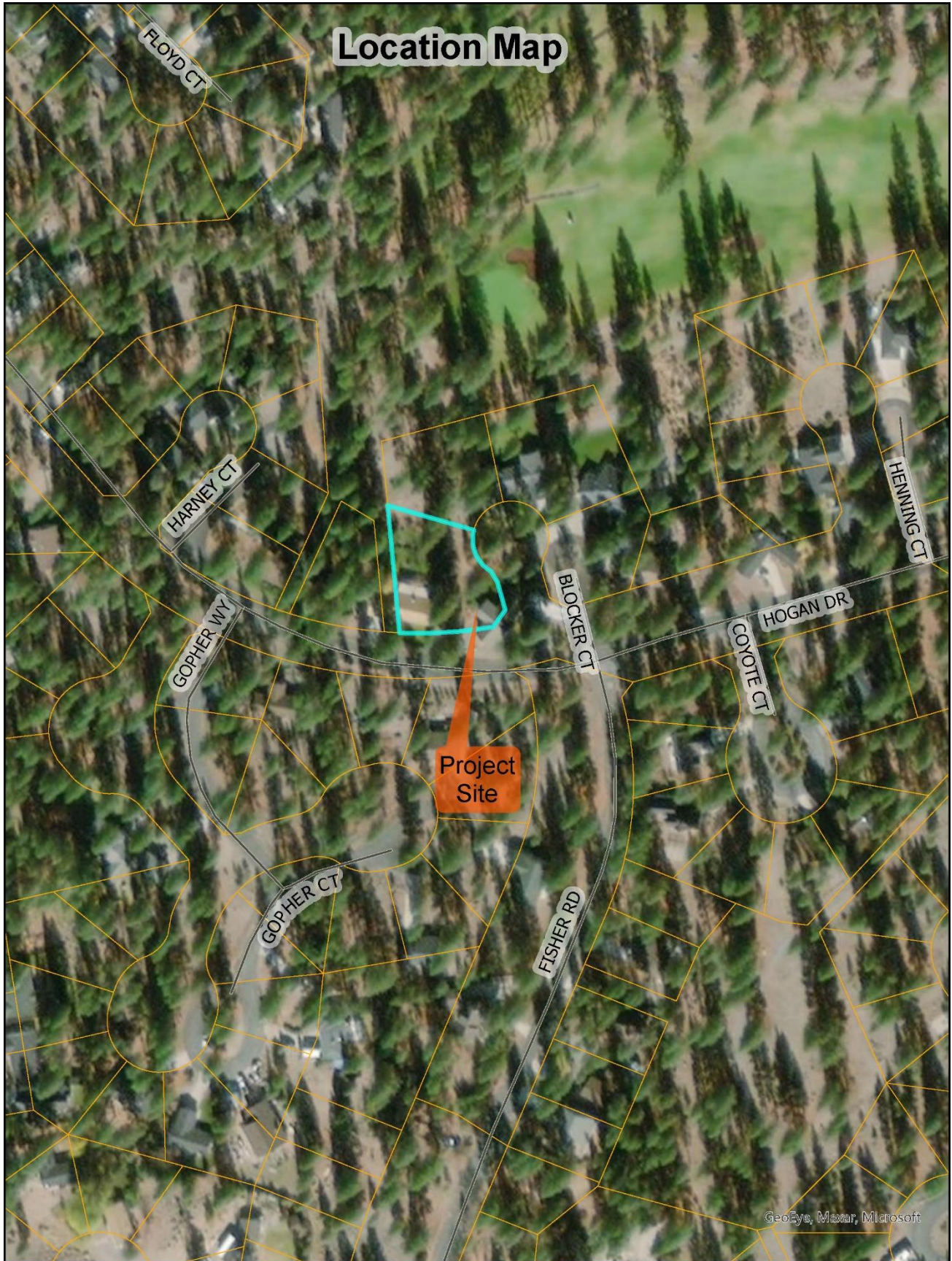


Figure 1: Project Location

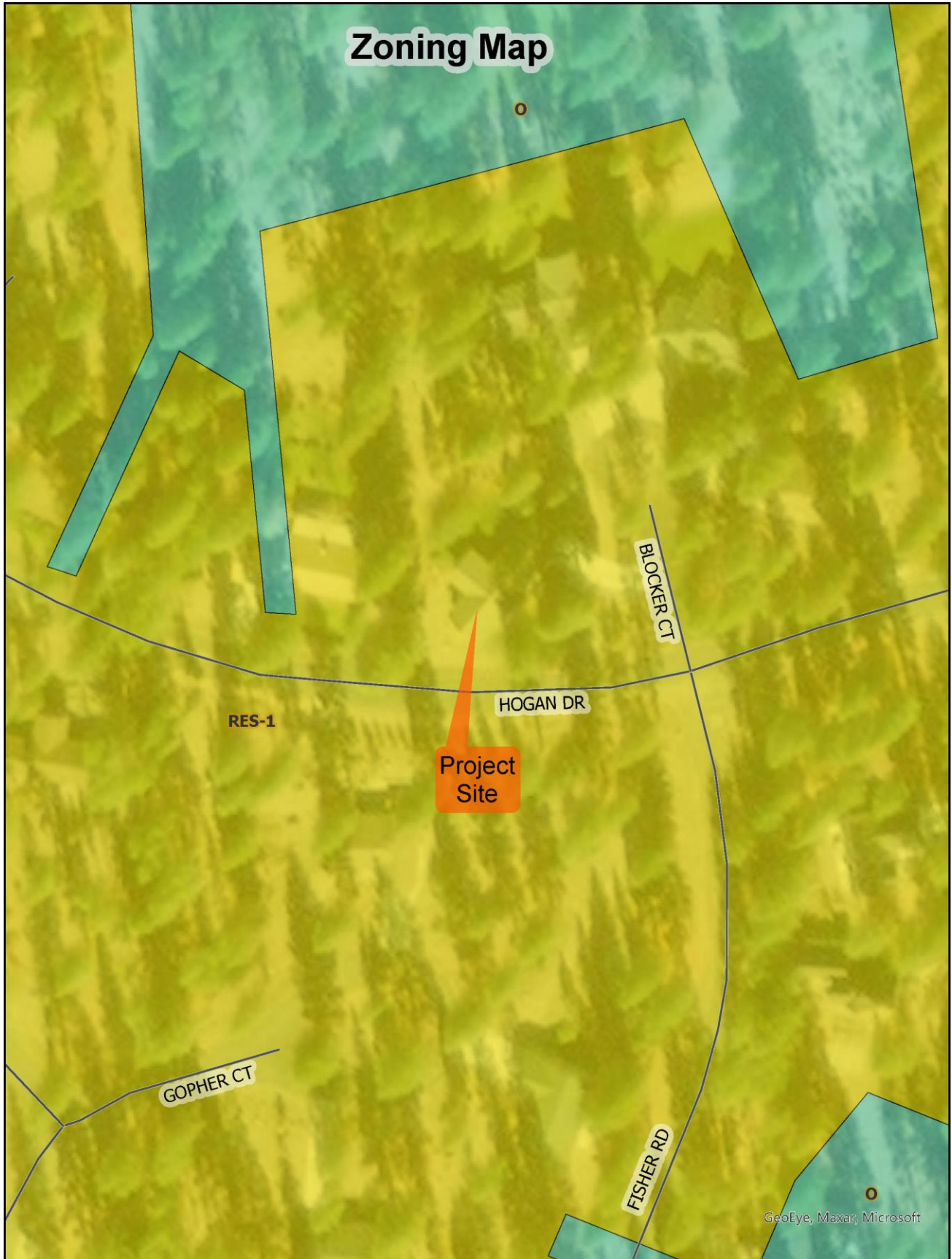


Figure 2: Zoning Map

Analysis

General Plan Consistency

The Land Use Element of the Siskiyou County General Plan identifies the project site as being within the mapped resource overlay areas for Erosion Hazard, Building Foundation Limitations: Severe Pressure Limitations Soils, and Wildfire Hazard. In addition, planning staff has identified that Composite Overall Policies 41.3(e), 41.3(f), 41.6, 41.7, 41.8, 41.9, and 41.18 apply to the proposed project.

Staff has conducted a detailed analysis of each of the required findings and has found that the proposed project is consistent with the applicable General Plan policies governing the subject site. In addition, the use as conditioned would be compatible with the surrounding land uses, has adequate roadway access for transportation and public health and safety provisions, and would not create environmental impacts to on- or off-site resources. The recommended findings are detailed in the General Plan Consistency Findings section of Exhibit A-2 attached to this staff report and are submitted for the Commission's review, consideration, and approval.

Zoning Consistency

The proposed project site is situated in the Single-Family Residential (Res-1) zoning district and the proposed vacation rental is a conditionally permitted use pursuant to Section 10-6.1502(h) of the Siskiyou County Code. Based on staff's analysis of the proposed use, staff believes that the necessary findings can be made for approval of the application. The recommended findings are detailed in the Zoning Consistency Findings section of Exhibit A-2 attached to this staff report.

Discussion

Siskiyou County Code Section 10-6.1502(h) allows for vacation rentals in single-family or two-family dwellings subject to the issuance of a use permit. Vacation rentals are also subject to specific conditions, including property management requirements, maximum rental periods, occupancy limits, and parking requirements.

Property Management

Siskiyou County Code, Section 10-6.1502(h)(1) requires that a vacation rental be managed by a County resident or professional property management firm located in Siskiyou County and that such resident or firm be available on a twenty-four (24) hour basis. This requirement is itemized in Exhibit A-1 as Condition of Approval number 5 and made a part of this written staff report.

Maximum Rental Period

Maximum Rental period per Siskiyou County Code Section 10-6.1508(h)(2) for each occupancy is limited to no more than thirty (30) consecutive days. This requirement is itemized in Exhibit A-1 as Condition of Approval number 6 and made a part of this written staff report.

Inspections

Prior to the issuance of a use permit, both Siskiyou County Building and Environmental Health Department inspections are required to determine whether the facility complies with established standards. The subject property passed an inspection by the Siskiyou County Building Department on August 31, 2020 and the Siskiyou County Environmental Health Department on August 27, 2020.

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Parking

Siskiyou County Code, Section 10-6.1502(h)(6) requires one off-street parking space for the vacation rental plus one additional space for each of the available sleeping rooms. Three sleeping rooms are within the proposed vacation rental; therefore, a total of four off-street parking spaces are required. Adequate off-street parking exists on the driveway in front of the garage. This requirement is itemized in Exhibit A-1 as Condition of Approval number 7 and made a part of this written staff report.

Property Owners Associations

Pursuant to Siskiyou County Code, Section 10-6.1502(h), the Planning Commission's action shall consider the decision of duly recognized Property Owners Associations concerning the establishment of vacation rentals within their jurisdiction.

Occupancy

The single-family dwelling contains three bedrooms that the applicant proposes to use as sleeping rooms. The three bedrooms may be used for occupancy purposes subject to building inspection requirements. The master bedroom is approximately 285 square feet and the two remaining bedrooms are each approximately 150 square feet. Based on available square footage of the bedrooms, up to twelve guests could be accommodated at any one time in the proposed vacation rental. This figure is greater than that allowed by Siskiyou County Code Section 10-6.1502(h)(9), which limits occupancy of vacation rentals to a maximum of ten guests at any one time. Therefore, pursuant to Siskiyou County Code Section 10-6.1502(h)(9), the maximum permitted occupancy would be ten persons. This limit is itemized in Exhibit A-1 as Condition of Approval number 2 and made a part of this written staff report.

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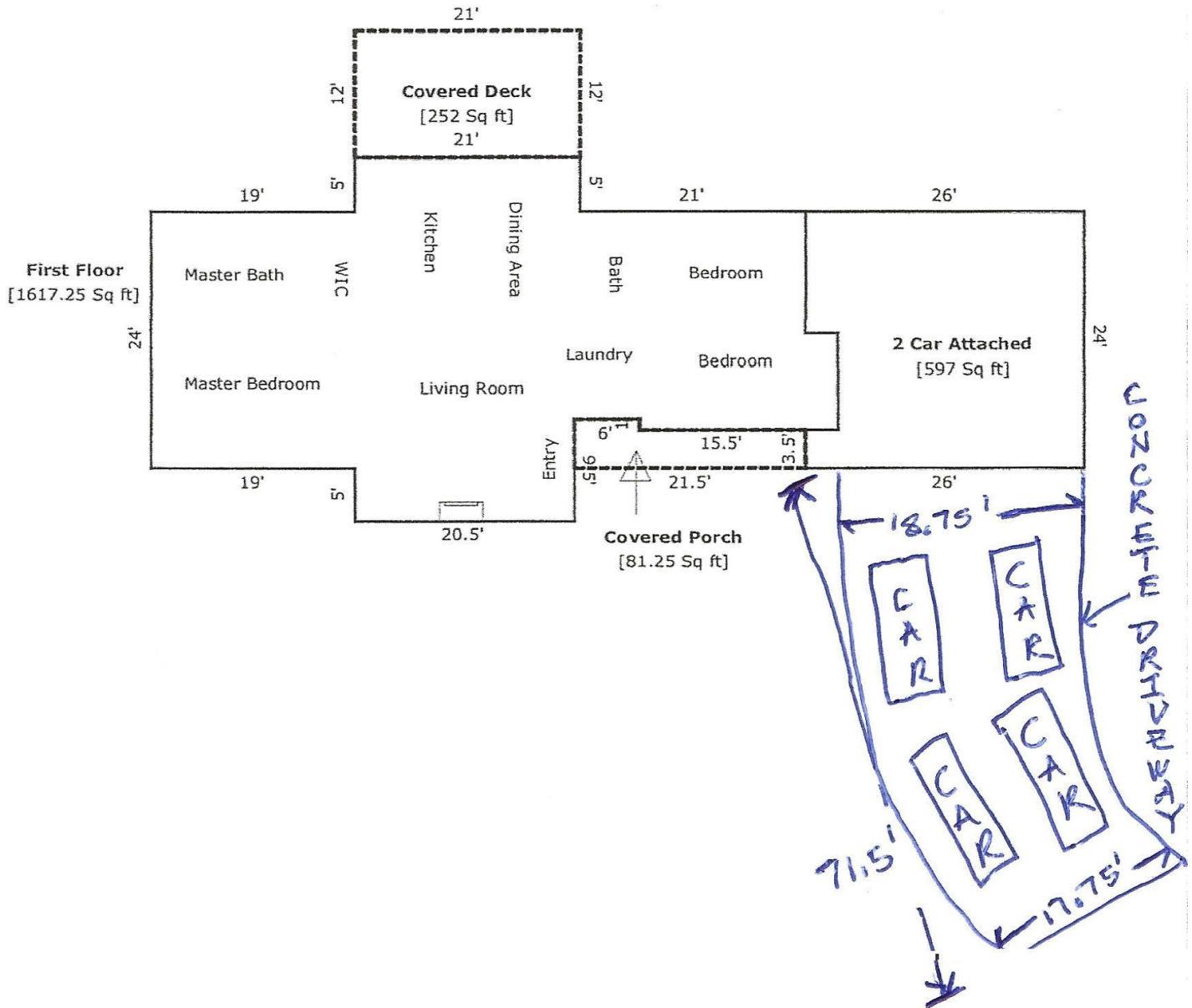


Figure 3: Site Map and Floor Plan

Environmental Review

The proposed project (i.e., use of an existing single-family dwelling as a vacation rental) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(2) and 15301, Class 1, *Existing Facilities*. This exemption consists of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency's determination.

The Planning Commission must consider the proposed CEQA exemption together with any comments received during the public review process. Further, the exemption can only be approved if the Commission finds, based on the whole record before it, that there is not substantial evidence that there are unusual circumstances (including future activities) which might reasonably result in the project having a significant effect on the environment.

Comments

A Notice of Public Hearing was published in the Siskiyou Daily News on February 3, 2021 and mailed to property owners within 300 feet of the applicant's property.

Public Comments

John Soletti – February 9, 2021

Letter indicates opposition to the project due to Lake Shastina's CC&Rs. Mr. Soletti details his observations of the use of the home during the end of 2020 and beginning of 2021.

Jan Nethery – February 10, 2021

Letter indicates opposition to the project due to the proposed use being denied by the Lake Shastina Property Owner's Association. Ms. Nethery does not want parties near her home.

Richard Thompson, Lake Shastina Property Owners Association – February 11, 2021

Letter indicates opposition to the project due to short-term rentals being prohibited by the Lake Shastina Property Owners Association (LSPOA). An application for use of the home as a vacation rental was reviewed and denied by the LSPOA Board of Directors on October 14, 2020. The LSPOA will be pursuing enforcement regarding purported violations of the community's regulations and Siskiyou County Code.

Planning Response to Public Comments: Siskiyou County Code (SCC) requires that permitted vacation rentals meet certain conditions and standards and allows for the application of more restrictive standards to ensure compatibility with the neighborhood. Conditions that have been proposed for this project in order to maintain compatibility with the site and surroundings include the requirement of a property manager that is available 24-hours per day, designated off-street parking spaces including a restriction against parking on either Blocker Court or Hogan Drive, a maximum occupancy of ten individuals, a restriction on loud noise after 10pm, and a prohibition on outdoor burning. Six use permits have been previously approved for vacation rentals in the Lake Shastina area, five in the LSPOA and one in the Rancho Hills Community Association. At least five of the six properties are actively being used as vacation rentals and no record of any code enforcement complaints were able to be found. The lack of complaints about permitted vacation rentals in this area is evidence that vacation rentals are compatible with the Lake

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Shastina area. However, SCC directs the Planning Commission to “consider the decision of duly recognized Property Owners Association concerning the establishment of vacation rentals”.

Agency Comments

Siskiyou County Environmental Health Division – August 27, 2020

Environmental Health has reviewed information related to the proposed vacation rental.

- Applicant shall provide adequate garbage receptacles and have trash removed every seven days from the premises, or as often as necessary to prevent nuisance or threat to Public Health.
- Pool or spa facilities may not be added to the premises until approval from the Public Health Department and the appropriate Building Permit is obtained.
- Water services are provided by connection to the Lake Shastina Community Services District utilities.
- Failure to comply with all conditions will result in initiation of process to revoke Vacation Rental Use Permit or other appropriate enforcement remedies.

Planning Response: Compliance with Environmental Health requirements to the satisfaction of Environmental Health has been included as recommended Conditions of Approval (numbers 10, 12, 13, and 14) for the project (see Exhibit A-1).

Planning Staff Recommendations

- Adopt Resolution PC-2021-005 taking the following actions:
 - Approve the Use Permit request based on the recommended findings and subject to the recommended conditions of approval; and
 - Determine the project exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(2) and 15301, Class 1, *Existing Facilities*.

Suggested Motion

I move that we adopt Resolution PC-2021-005, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Fernandez Use Permit (UP-20-14) and Determining the Project Exempt from CEQA.

Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Rachel Jereb, Senior Planner
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

Resolution PC 2021-005

A Resolution of the Planning Commission of the County of Siskiyou, State of California Approving the Fernandez Use Permit (UP-20-14) and Determining the Project Exempt from CEQA.

Whereas, Section 10-6.1502(h) of the Siskiyou County Code permits vacation rentals within single-family and two-family dwellings subject to approval of a use permit and provided specific conditions are met; and

Whereas, Marisa Fernandez applied for a use permit to allow for a vacation rental use of a single-family dwelling located at 17309 Blocker Court in the community of Lake Shastina, north of the City of Weed on Assessor Parcel Number 107-240-320; and

Whereas, the Planning Division presented its oral and written staff report on proposed Use Permit UP-20-14 at the Planning Commission's regularly scheduled meeting on February 17, 2021; and

Whereas, the Planning Division recommended Use Permit UP-20-14 be determined categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 015061(b)(2) and 15301 of the CEQA Guidelines because it can be seen with certainty that there would not be any significant impacts to the environment resulting from the project; and

Whereas, the Planning Division recommended approval of Use Permit UP-20-14 subject to the conditions of approval provided in Exhibit A-1 to this resolution referenced hereto and incorporated herein; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on February 3, 2021; and

Whereas, hearing notices were posted pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; and

Whereas, on February 14, 2021, the Chair of the Planning Commission opened the duly noticed public hearing on Use Permit UP-20-14 to receive testimony, both oral and written, following which the Chair closed the public hearing and the Commission discussed Use Permit UP-20-14 prior to reaching its decision.

Now, therefore be it resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A-2 of the written staff report referenced hereto and incorporated herein; and

Be it further resolved that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit A, determines the project categorically exempt from CEQA pursuant to Sections 015061(b)(2) and 15301 of the CEQA Guidelines and approves Use Permit UP-20-14 subject to the notations and conditions of approval contained in Exhibit A-1 to this resolution referenced hereto and incorporated herein.

It is hereby certified that the foregoing Resolution PC-2021-005 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting of the Siskiyou County Planning Commission held on the 17th day of February 2021, by the following voice vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

Tony Melo, Chair

Witness, my hand and seal this 17th day of February 2021.

Kirk Skierski, Secretary of the Commission

Exhibit A-1 to Resolution PC-2021-005
Notations and Recommended Conditions of Approval

Notations

1. Within ten (10) days following the date of the decision of the Siskiyou County Planning Commission, the decision may be appealed to the Siskiyou County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
2. Upon determination of the categorical exemption(s), a check in the amount of \$50 made payable to the Siskiyou County Clerk and submitted to the Siskiyou County Planning Division is necessary in order to file the Notice of Exemption. Failure to file the Notice of Exemption extends the statute of limitations for legal challenges to the categorical exemption from 35 days to 180 days.
3. Approval of this use permit addresses only County requirements and does not address any requirements of the Lake Shastina Property Owners Association, Lake Shastina Community Services District, or Lake Shastina Environmental Control Committee. It is the property owner's responsibility to meet the requirements of any other body having authority over use of the property.

Conditions of Approval

1. The applicant shall include and reference their Use Permit number (UP-20-14) on any written advertisement for the Vacation Rental, including online advertisements.
2. In no instances shall occupancy exceed ten (10) persons.
3. The following notices shall be posted on or next to the front door within the subject vacation rental at all times that the property is being used as a vacation rental, and to the satisfaction of the Deputy Director of Planning:
 - A. The complete use permit that was approved and issued by the Siskiyou County Planning Division for the subject vacation rental; and
 - B. A notice that the details the following information, including but not limited to:
 - Parking restrictions
 - The prohibition of on-street parking along Blocker Court and Hogan Drive
 - Prohibition of all outdoor burning because this is a wildfire hazard area

- Emergency contact information, including the Siskiyou County Public Health Department, the 24-hour contact information for the property manager and plumber in the event of an emergency
 - A list of unacceptable items for disposal in the sewer such as diapers, feminine napkins, paper towels, etc.
 - Emergency exits and emergency escape diagram
 - Refuse collection regulations and collection times
 - Restrictions on loud noise (i.e. music, parties) after 10 P.M.
 - A site diagram showing the water shutoff valve location, location of the shutoff tool(s), if any, and a narrative of how to shut off these valves if necessary.
 - Any other applicable or required information.
4. The project shall substantially conform to the application submitted September 1, 2020, including any materials subsequently submitted to the Planning Division prior to the application being deemed complete, and as approved by the Siskiyou County Planning Commission on February 17, 2021. Any proposed amendment(s) shall be submitted to the Deputy Director of Planning. Minor amendments shall be considered by the Community Development Director. Major amendments shall be considered by the Planning Commission.
 5. The Vacation Rental shall be managed by a County resident or professional property management firm located in Siskiyou County, and such resident or firm shall be available on a twenty-four (24) hour basis. Written confirmation in a form acceptable to the Planning Director as to the current property manager shall be submitted prior to use permit issuance. Upon a change of ownership or property management company, written confirmation in a form acceptable to the Deputy Director of Planning shall be provided within ten (10) days of said change.
 6. The maximum rental period shall be thirty (30) consecutive days per occupancy.
 7. A minimum of four (4) off-street parking spaces shall be provided and such parking spaces shall be in accordance with the Siskiyou County Code. As part of any lease agreement, a specific restriction shall be included that requires all guest parking to be located off-street within designated parking spaces and that prohibits parking along Blocker Court and Hogan Drive. The property owner shall be responsible for enforcing this condition and in the event that this condition is violated, the Department reserves the right to revoke the use permit.
 8. Guests are to be advised that encroachment on the public roadway during plowing operations is prohibited per Siskiyou County Code Sec. 3-4.301. The Lake Shastina Property Owners Association and the County of Siskiyou are not responsible for damages to vehicles encroaching on the roadways during snow plowing operations.

9. A Siskiyou County Business License shall be obtained and maintained throughout the use of the residence as a vacation rental.
10. The applicant shall comply with all adopted rules and regulations of the Siskiyou County Public Works Department, Environmental Health Division of the Siskiyou County Community Development Department, and all other local and state regulatory agencies.
11. An inspection of the existing residence shall be required by both the Building and Environmental Health Departments to determine if the facility complies with the standards specified herein. Proof of compliance is required prior to authorization for use of the dwelling as a vacation rental.
12. The owners of the property, or designated property management firm, shall provide adequate garbage receptacles and shall have the trash removed every seven (7) days from the premises, or as often as necessary to prevent nuisance or threat to public health to the satisfaction of the Environmental Health Department.
13. Pool or spa facilities may not be added to the premises until approval from the Environmental Health Division and the appropriate Building Permit is obtained.
14. Water and sewage service must be provided by connection to the Lake Shastina Community Services District utilities.
15. The applicant shall comply with, and provide verification of compliance, with all applicable statutory requirements of the fire safe standards enacted pursuant to Public Resources Code Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning Division.
16. All outdoor burning is prohibited. Cooking fires contained within an enclosed grill, smoker, or similar device are exempt from the prohibition.
17. The applicant shall provide properly maintained fire extinguishers, which are required for each vacation rental.
18. Smoke detectors and carbon monoxide detectors are required to be installed as per current building code.
19. Transient Occupancy Tax (TOT) shall be collected and paid to the County of Siskiyou as required by Siskiyou County Code Section 8-4.
20. The applicant, shall defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action, or proceeding (collectively, "Action") against the County, its agents (including consultants), officers or employees to attack, set aside, void, or annul the approvals, or any part thereof, or any decision, determination, or Action, made or taken approving, supplementing, or sustaining, the project or any part thereof, or any related approvals or project conditions imposed by the County or any of its agencies,

departments, commissions, agents (including consultants), officers or employees, concerning the project, or to impose personal liability against such agents (including consultants), officers or employees resulting from their non-negligent involvement in the project, which action is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any party from the County. Said responsibilities shall be pursuant to the County's standard Agreement for Indemnification in effect at the time of application approval or Agreement for Indemnification if signed and effective prior to the date the application is approved. In the event that the applicant fails to comply with the terms of the applicable agreement, the applicant does hereby consent and agree to all remedies in said agreement and does hereby agree and consent to the County rescinding all applicable project approvals.

21. The use permit shall lapse and shall become null and void two (2) years following the date that the use permit became effective, unless prior to the expiration of two (2) years the proposed use has been established. A use permit may be renewed for additional periods of time if an application (by letter) for renewal of the use permit is filed with the Planning Commission prior to the permit's expiration date. Should the use be discontinued for a period of one-year or more the use shall only resume under the condition that the Planning Director has made a written determination that the use has not been willingly discontinued and that the circumstances and findings under which the use permit was granted are still valid. Should the Planning Director be unable to make these required findings, the use shall not recommence without approval of a new use permit by the Planning Commission.

Findings

Zoning Consistency/Use Permit Findings

1. The proposed use permit, as recommended for approval, is consistent with the applicable elements and policies of the Siskiyou County General Plan.
2. The proposed vacation rental is consistent with the applicable zoning provisions outlined in Section 10-6.1502(h) of the Siskiyou County Code.
3. Due to size, scale, intensity, and location of the project, the proposed use will not result in a significant change in the existing environment that would in any way threaten the public health, safety, peace, morals, comfort, convenience, or general welfare.
4. Due to the size, scale, intensity, and location of the project, the proposed use will not cause damage or nuisances from noise, smoke, odor, dust, vibration, explosion, contamination, fire, or traffic and will be reasonably compatible with the existing and permitted uses in surrounding areas.
5. The Planning Commission has considered all written and oral comments received and based on its analysis of the public testimony and staff's analysis, the Commission has determined that the project as designed and conditioned would be compatible with existing and planned uses of the area.

General Plan Consistency Findings

Composite Overall Policies

Policy 41.3(e) - All proposed uses of the land shall be clearly compatible with the surrounding and planned uses of the area.

The proposed vacation rental would be clearly compatible with existing uses adjacent to the project site and would not in any way threaten the public health, safety, peace, morals, comfort, convenience, or general welfare of the surrounding area.

Policy 41.3(f) – All proposed uses of the land may be allowed if they clearly will not be disruptive or destroy the intent of protecting each mapped resource.

No new development is proposed as part of this project and, therefore, no disruption of a mapped resource would occur.

Policy 41.6 - There shall be a demonstration to the satisfaction of the Siskiyou County Environmental Health Department and/or the California Regional Water Quality Control Board that sewage disposal from all proposed development will not contaminate ground water.

Sewage disposal for the existing single-family dwelling is provided by connection to Lake Shastina Community Services District utilities. No new development is proposed as part of this project.

Policy 41.7 - Evidence of water quality and quantity acceptable to the Siskiyou County Environmental Health Department must be submitted prior to development approval.

Water service to the existing single-family dwelling is provided by connection to Lake Shastina Community Services District utilities. No new development is proposed as part of this project.

Policy 41.8 – All proposed development shall be accompanied by evidence acceptable to the Siskiyou County Health Department as to the adequacy of on-site sewage disposal or the ability to connect into an existing city or existing Community Services District with adequate capacity to accommodate the proposed development. In these cases, the minimum parcel sizes and uses of the land permitted for all development will be the maximum density and land uses permitted that will meet minimum water quality and quantity requirements, and the requirements of the county’s flood plain management ordinance.

No new development is proposed as part of this project. Sewage disposal and water service is supplied to the existing single-family residence by connection to Lake Shastina Community Services District utilities.

Policy 41.9 - Buildable, safe access must exist to all proposed uses of land. The access must also be adequate to accommodate the immediate and cumulative traffic impacts of the proposed development.

The project site has access to Blocker Court and Hogan Drive, private roadways capable of accommodating the vehicular traffic generated by the proposed use.

Policy 41.18 – Conformance with all policies in the Land Use Element shall be provided, documented, and demonstrated before the County may make a decision on any proposed development.

Staff has reviewed all Land Use Element policies and has determined that the proposed vacation rental conforms to the General Plan.

Map 2: Erosion Hazard

Policy 7 – Specific mitigation measures will be provided that lessen soil erosion, including contour grading, channelization, revegetation of disturbed slopes and soils, and project time (where feasible) to lessen the effect of seasonal factors (rainfall and wind).

No new development is proposed as part of this project. Therefore, there would be no potential for erosion impacts due to implementation of the project.

Map 3: Building Foundation Limitations

Policy 8 – Enforce building construction standards (uniform building code) and public works requirements.

No new development is proposed as part of this use permit and any future development will be required to meet building code standards.

Map 10: Wildfire Hazard

Policy 30 - All development proposed within a wildfire hazard area shall be designed to provide safe ingress, egress, and have an adequate water supply for fire suppression purposes in accordance with the degree of wildfire hazard.

The proposed project is a residential use of an existing residential structure. As a condition of approval, the project must comply with fire safe standards enacted pursuant to Public Resources Code (PRC) Section 4290 and California Code of Regulations, Title 14, Fire Safe Regulations, to the satisfaction of Cal Fire and Siskiyou County Planning. The project site is at the intersection of two privately maintained roads. The nearest fire hydrant to the project site is less than 600 feet south (on Fisher Road) with a secondary hydrant less than 800 feet west (on Hogan Drive). The Lake Shastina Fire Department is approximately three miles north of the project site.

California Environmental Quality Act Findings

1. Pursuant to CEQA Guidelines, Section 15061(b)(2), this project is exempt from CEQA pursuant to a categorical exemption, and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
2. Pursuant to CEQA Guidelines, Section 15301, Class 1, projects involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use are categorically exempt from the provisions of CEQA. Because the change in use is minor, would not involve a significant expansion of the use beyond that of the existing single-family residential use, and there is no substantial evidence demonstrating that there are unusual circumstances which would result in significant impacts that threaten the environment, the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301.
3. The Planning Commission has reviewed and considered the proposed project and all comments submitted and has determined that the record, as a whole, demonstrates that there is no evidence that the proposed project will have an individually or cumulatively significant effect.
4. The Planning Commission has determined that the custodian of all documents and material which constitute the record of proceedings shall rest with the County of Siskiyou Community Development Department.

SISKIYOU COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
LAND DEVELOPMENT REVIEW

OWNER Fernandez, Marisa & Gabriel

FILE # 107-240-320

LOCATION 17309 Blocker Ct, Weed

T 42N , R 5W ,

SEC. 12

PD# PPI2007

REQUIREMENTS:

Sewage Disposal Test/Information:

- None Required: Connection to Approved Sewage System
- Engineered Percolation Tests –
Parcels # _____
- Wet Weather Testing
- Engineered Sewage Disposal System
- Other _____

Water Supply Tests/Information:

- None Required: Connection to Approved Water System
- Well Logs (Existing Wells) Well Logs for Adjoining Property
- Drilled Well – Parcels # _____ Spring Source-Verification
- Pump Test (Static Level) _____ Hours
- Bacteriological Analysis _____ Chemical Analysis _____ Physical Analysis _____
- Other _____

Project Information:

- Location Map Mark Project Area Contour Map
- Food Establishment Plans Swim Pool/Spa Plans
- Waste Information (Non-Sewage)
- Other _____

Comments/Conditions:

Environmental Health has reviewed information related to the proposed vacation rental.

1. Applicant shall provide adequate garbage receptacles and have trash removed every seven days from the premises, or as often as necessary to prevent nuisance or threat to Public Health.
2. Pool or spa facilities may not be added to the premises until approval from the Public Health Department and the appropriate Building Permit is obtained.
3. Water and sewer provided by connection to Lake Shastina Community Services District Utilities.
4. Failure to comply with all conditions will result in initiation of process to revoke Vacation Rental Use Permit or other appropriate enforcement remedies.

REHS *Da Whell*

DATE 8-27-20

ENVIRONMENTAL HEALTH ACTION

- Application Accepted Application Rejected as Incomplete (see comments)

- Approved Recommended for Denial
- Approved with conditions (see comments)

REHS *Da Whell*

DATE 8-27-20

Date sent to Planning:

February 9, 2021

Siskiyou County Community Development Department
Planning Division
806 South Main Street
Yreka, CA 96097
C/O Ms. Rachel Jereb, Senior Planner

Siskiyou County Planning Commission:

My name is John Soletti and I reside at 17300 Blocker Ct. in Lake Shastina. I have lived at this residence since 1995 with my wife, Irene.

We are writing this correspondence to express our disagreement with the proposed conditional use permit (Fernandez Use Permit-UP-20-14) to convert an existing single-family dwelling, residential use, into a vacation rental. It is quite obvious, as expressed in the CC&R's of the Lake Shastina Development, that this project's primary use is for single-family dwelling, residential use.

That being said, I would like to provide a brief time-line of the activity at 17309 Blocker Ct. APN: 107-240-320, the dwelling in question.

On December 21, 2020, I noticed Eight (8) automobiles parked in the driveway of the above residence. They began gathering at approximately 9 a.m. and stayed until 5 p.m. At that time, Six (6) of the vehicles departed and two remained throughout the night.

I decided to call Gabriel & Marisa Fernandez and find out what was happening. Discussing this situation with Marisa, she asked if the vehicles were causing a traffic problem and I said that was not my concern, but the gathering seemed quite out of the ordinary for a single-family residence. I also asked, if this might be her relatives using the home and she said no. She stated she would call Sandra Haugen, her realtor at the Elite Real Estate Group. Prior to this conversation, I went on line at the Realtor's website, and to my amazement, I discovered that this residence was listed as an active AirBnB. I mentioned this to Marisa, and she questioned me as to my knowledge of this listing. I then explained to her how simple it was to find out this information? This gathering continued for three more days (December 22, 23, 24) with the same activity. At this time, my wife and our neighbors (Dennis & Terry Slate) went on line with Elite Real Estate Group website to verify our findings that this residence was being list as an AirBnB.

EXHIBIT B - COMMENTS

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On February 3, 2021, we received the letter from the Siskiyou County Planning Commission informing us of the Public Hearing for a proposed permit to convert the single-family dwelling-residential use, into a vacation rental. We are adamantly against this proposal, as it was the intent of the development to make this sub-division a residential use-single family community, as is evident in the CC&R's for Lake Shastina.

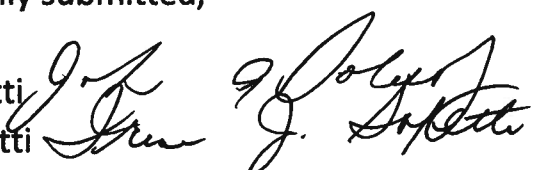
We hope you can see the ramifications of this proposal and will vote to NOT ALLOW such a change. Thank you.

Respectfully submitted,

John Soletti

Irene Soletti

Residence @ 17300 Blocker Ct.

Handwritten signatures of John Soletti and Irene Soletti in black ink. The signature of John Soletti is on the right and Irene Soletti's is on the left, overlapping slightly.

c/c: Mr. Rick Thompson, General Manager
Lake Shastina Property Owners Association

Date: 2/5/21

To: Siskiyou County Community Development Department
Planning Division, Attention Rachel Jereb
806 S. Main St.
Yreka, CA 96097

From:



Re: Fernandez Conditional Use Permit Application (Up-20-14)

To Whom It May Concern:

I am **adamantly opposed** to allowing Siskiyou County CDD Planning Division to issue this permit to change the dwelling at 17309 Blocker Court, Weed, CA, from single-family residential use to vacation rental.

Fernandez's already applied to the Lake Shastina Property Owner's Association (LSPOA) for this change in use and were officially denied.

Vacation rentals ARE NOT allowed within the LSPOA.

By Ordinance, the minimum residential dwelling rental length is 30 days. This house is already rented out under a 1-year lease and is being managed by a professional property manager.

I have several friends in the LSPOA community who tell horror stories about the disruption caused by illegal vacation rentals on their streets. I don't want yahoos partying for a month or more across from my quiet home.

NO!!!

I have spoken to all 5 of my immediate neighbors, and they are also opposed to this action.

Sincerely,

Jan M. Nethery



Lake Shastina Property Owners Association

16320 Everhart Drive – Weed, CA 96094

Phone: (530) 938-3281

Fax: (530) 938-4739

February 10, 2021

Rachel Jereb
Senior Planner
County of Siskiyou
806 S. Main Street
Yreka, CA 96097

Ms. Jereb,

An Application for Business Use of Unit at Lot No. 78 in Unit 5-3, aka 17309 Blocker Ct, in the Lake Shastina Property Owners Association (LSPOA), was submitted on October 7, 2020. The application states the proposed business use of the unit is as a “Vacation Rental/Long Term. This application was submitted to the LSPOA Board of Directors for consideration at their regular meeting conducted via video/teleconference on October 14, 2020. The applicants were in attendance.

Short-term and transient rentals are prohibited in the LSPOA. This prohibition is included in the **Amendments to Declarations of Covenants, Conditions and Restrictions for Lake Shastina (CCRs) in Article II Section 2(a):** “*Any rental or lease of a Residence may only be for Single Family Residential Use*”. The applicants acknowledged receipt of the CCRs when they purchased the property.

After reviewing the application for a business permit, the Board of Directors unanimously voted to reject it, based upon Association rules and the potential for negative impacts on the neighboring properties. As a recorded declaration, the CCRs of the LSPOA are afforded a presumption of validity and are legally enforceable.

We began receiving feedback from neighboring homeowners in response to the Planning Commission’s “Notice of Public Hearing”, dated February 1st, 2020, regarding the use permit No. UP-20-14 application to Siskiyou County for permission to operate a vacation rental. The feedback is unanimously negative. It prompted a letter writing campaign in opposition to the proposal.

One of the neighboring homeowners who called our office in opposition told of incidents occurring on the property beginning in December 2020. We are in receipt of a copy of the letter the homeowner provided to the Planning Commission. The letter details multiple violations of the LSPOA CCRs, and violations of Siskiyou County Municipal Code, specifically Article 12, and it clearly indicates there is already a vacation rental in operation. The reporting party recited the violations. You have that documentation, so I won’t repeat it here. The LSPOA will be pursuing enforcement action regarding these violations.

In their application, the applicants certified that:

- 1) The business use is consistent with the residential character of the community and the CCRs of the LSPOA.
- 2) They had all necessary approvals for the business from the appropriate local governmental agency.
- 3) The business will not generate significant traffic, foot or vehicular or parking usage by clients.
- 4) The business has no employees on-site.
- 5) The business use of the unit will be subordinate to its use as a residence.

All these provisions have been violated, despite the applicants signed certification. The signed application has been provided to the Planning Department for reference. In addition, the LSPOA rental rules have requirements of landlords, including providing the Association with tenant information. The applicants have failed to do this even though they apparently now have a long-term tenant in place.

These actions demonstrate that the applicants are not acting in good faith. They chose to operate their home as a vacation rental despite the governing body of the LSPOA's denial of their application in upholding the rules of the Association. They chose to disregard not only the rules of the community they chose to purchase a home in, but also the process of the Siskiyou County Planning Department. These actions don't inspire confidence that the applicants have a commitment to act as good citizens of the Lake Shastina community. And it gives us no reason to believe they would operate in a manner that takes into consideration the quiet enjoyment of their neighbors in their homes.

It is well established that transient rental units create an undue burden on associations with increased security issues, rule enforcement problems and increased administrative expenses. The problems we are already experiencing with this illegal rental unit reinforce this.

Lake Shastina is a residential community composed of a diverse group of residents from retirees to young families. Our residents enjoy a right to the quiet enjoyment of their homes. Transient rentals threaten this right. Therefore, our rules restrict them. Our residents overwhelmingly support this restriction. All potential purchasers of properties in our community are provided with the rules in the escrow process, so the restriction should come as no surprise.

An approval by the Planning Commission may give the applicants a false understanding that they can go forward with their proposal. This would be an incorrect assumption. Regardless of the decision of the Planning Commission, a transient rental is a restricted use of an LSPOA property and is not allowed. As I stated earlier, as a recorded declaration, the CCRs of an association are legally enforceable. That said, the use application fails to meet the Commission's criteria for the proposed use and should be denied.

Richard Thompson
General Manager, Lake Shastina Property Owners Association

Attachments: LSPOA CCR Rental Rules
LSPOA Business Use Application Fernandez
Escrow Docs Provided
Soletti Letter

(c) The right of the Association, in accordance with its Articles and Bylaws, to borrow money for the purpose of improving the Common Area and Common Facilities and in aid thereof to Mortgage the Common Area; provided, however, that the rights of any such Mortgagee in the Common Area shall be subordinate to the rights of the Owners hereunder; and further provided that any such indebtedness shall be considered an expense of the Association for purposes of the Special Assessment provisions of Section 4.3 of this Declaration.

(d) The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority or utility or any private entity for such purposes and subject to such conditions as may be agreed by the Members; provided, however, that no such dedication or transfer shall be effective unless an instrument, approved by at least two-thirds of the voting power of the Members, consenting to such dedication or transfer, has been Recorded. Furthermore, no dedication shall be permitted that impairs the ingress and egress to any Lot, park or other greenbelt areas. The instrument effecting the dedication may be executed in counterparts so long as each counterpart is in recordable form.

(e) The right of the Association to grant exclusive or nonexclusive easements and rights of way in, over, under, above and across portions of the Common Area to any public agency, authority or utility or any private entity to the extent any such grant is reasonably required for utilities and sewer facilities to serve any portion of the Properties.

(f) All easements affecting the Common Area which are described in Article IX of this Declaration.

Section 2.2. Persons Subject to Governing Documents. All present and future Owners, tenants and occupants of Lots within the Properties shall be subject to, and shall comply with, each and every provision of the Governing Documents, as the same or any of them shall be amended from time to time, unless a particular provision is specifically restricted in its application to one or more of such classes of persons (i.e. Owners, tenants, invitees, etc.). The acceptance of a deed to any Lot, the entering into a lease, sublease or contract of sale with respect to any Lot, or the occupancy of any Lot shall constitute the consent and agreement of such Owner, tenant or occupant that each and all of the provisions of this Declaration, as the same or any of them may be amended from time to time, shall be binding upon him or her and that he or she will observe and comply with the Governing Documents.

Section 2.3. Delegation of Use.

(a) Delegation of Use and Leasing of Residences. Any Owner may delegate his or her rights to use and enjoy the Common Area and Common Facilities to his or her family members, tenants or contract purchasers who reside in the Residence.

Any rental or lease of a Residence may only be for Single Family Residential Use, and shall be subject to the provisions of the Governing Documents, all of which shall be deemed incorporated by reference in the lease or rental agreement. Each Owner-lessor shall provide any tenant with a current copy of all Governing Documents and shall be responsible for compliance by the tenant with all of the provisions of the Governing Documents during the tenant's occupancy and use of the Residence.

(b) Discipline of Tenants. Subject to subparagraph (c) below, in the event that any tenant fails to honor the provisions of any Governing Document, the Association shall be entitled to take such corrective action as it deems necessary or appropriate under the circumstances which may include initiation of an eviction proceeding in accordance with the following paragraph, suspension of the tenant's privileges to use any recreational Common Facilities or the imposition of fines and penalties against the Owner or tenant.



LAKE SHASTINA PROPERTY OWNERS ASSOCIATION

Regular Meeting
Wednesday, October 14, 2020 – 5:00 p.m.
Via Video/Teleconference
16320 Everhart Drive ▪ Weed, California 96094 ▪ (530) 938-3281
MINUTES

CALL TO ORDER:

LSPOA Board Roll Call: CHANDLER_X_ MACINTOSH_X_ PURSELL_X_ TUCKER_X_ UTTECH_X_
Video/Teleconference via Zoom was conducted

CLOSED SESSION: Call to Order 4:04 p.m.

- A. Approval of Closed Session Minutes: September 9, 2020
- B. Member Discipline
- C. Personnel Matters
- D. Potential Litigation

With no objection by the Board, Pres. MacIntosh adjourned Closed 4:55 p.m.

REGULAR MEETING: Call to Order 5:03 p.m.

Video/Teleconference via Zoom was conducted

Also present: GM Thompson, AA Gross. There was approximately 9 people on the conference.

PLEDGE OF ALLEGIANCE: Carried out.

MEMBER COMMENTS: Taken.

CONSENT CALENDAR:

1. A. Approval of Minutes: Regular Meeting September 9, 2020.
- B. Balance Sheet – September 2020/21
- C. Cash Flow Report: September 2020/21
- D. Budget Comparison: FY 2020/21 YTD
- E. Tax Returns 2019/20.-**Not Completed for the meeting.**
- F. ECC Minutes: September 2020.
- G. and H. **Pull out for discussion.**
- I. Business Use Permit – Sara Harris.
- J. Boundary Line Adjustment Review- Unit 5 -, Lots 111 & 112.
- K. Boundary Line Adjustment Review- Unit 7-1, Lots 67 & 68
- L. Boundary Line Adjustment Review- Unit 5-4, Lots 55 & 56.
- M. Boundary Line Adjustment Review- Unit 8-1, Lots 244 & 245.

Motion by Dir. MacIntosh, second by Dir. Chandler to approve Consent Calendar.

Ayes: Directors Chandler, MacIntosh, Pursell, Tucker and Uttech

Noes: None

Absent: None

Abstained: Tucker- item 1F only.

Pulled out for Discussion and Action:

- G. Business Use Permit – Marisa Fernandez. – **Pulled out for discussion and action. Denied.**
- H. Business Use Permit – Diana Randazzo.- **Pulled out for discussion and action. Denied.**

Motion by Dir. MacIntosh, second by Dir. Chandler to deny Business Use Permit for items 1G and 1H for Short Term Rentals.

Ayes: Directors Chandler, MacIntosh, Pursell, Tucker and Uttech

Noes: None

Absent: None

DISCUSSION / ACTION ITEMS:

2. General Manager's Monthly Report (GM Thompson) - **GM Thompson reported**
3. Fiscal Year 2020/21 Road Project final Payment of Retention (GM Thompson) - **Approved.**

Motion by Dir. Tucker, second by Dir. Pursell to approve final payment to Advantage Paving and Excavating, Inc. in the amount of \$11,920.

Ayes: Directors Chandler, MacIntosh, Pursell, Tucker and Uttech

Noes: None

Absent: None

4. Consideration of moving next November 11th meeting date. (AA Gross)- **Discussion and Action.**

Motion by Dir. Chandler, second by Dir. Tucker to approve moving November meeting to November 12, 2020.

Ayes: Directors Chandler, MacIntosh, Pursell, Tucker and Uttech

Noes: None

Absent: None

BOARD MEMBER COMMENTS: **Taken.**

ADJOURNMENT: **at 5:51 p.m.** The next LSPOA Regular Meeting is to be held on November 12, 2020, Closed Session at 4:00 p.m. and Open Session at 5:00 p.m. via Zoom video/teleconference.

Approval Date: 11.12.20


John Uttech, LSPOA Secretary

Coral Gross

From: Coral Gross
Sent: Thursday, October 15, 2020 8:43 AM
To: Marisa Fernandez; Fernandez Gabriel
Subject: Business Use Permit Denial
Attachments: Applicable Rental CCRs.pdf; Association Rule1 Rental Rules Form Only.pdf

Good Morning Marisa and Gabriel,

Thank you for being on the conference call for the POA Board meeting last night.

As you know, the Board voted to deny your Vacation Rental Business Use Permit. The reason for this is the Covenants, Conditions and Restrictions of the Lake Shastina Property Owners Association prohibit short-term and vacation rentals. Section 2.3(a) states: *"Any rental or lease of a Residence may only be for Single Family Residential Use"*. Per LSPOA legal counsel, this is effectively a prohibition on short-term rentals.

However, we did recommend that Long Term Rentals use would be allowed and I am attaching the forms required to proceed with this option if you so desire.

Let me know if you have any questions.

Respectfully,

Coral Gross

Administrative Assistant

Lake Shastina Property Owners Association

Office-530-938-3281, ext. 102

Fax-530-938-4739

16320 Everhart Drive

Weed, Ca. 96094

Lspoaadmin@lakeshastina.com

www.lakeshastina.com



LAKE SHASTINA PROPERTY OWNERS ASSOCIATION

**Application for Business Use of Unit
Exhibit "A" Resolution 1-05**

53/78

In order to process your request for a home base business permit, Lake Shastina requires a \$50 processing fee due upon submittal of the application. Application process consists of site inspections, picture documentation, county approval and or permits, and Board of Director approval. Approval/denial will be given no later than 45 days after the processing date.

MARISA FERNANDEZ

I, _____, am a member in the Lake Shastina Property Owners Association (LSPOA) residing at 17309 BLOCKER CT. I agree that that the status of my account is in good standing and will remain in good standing. I wish to use my unit for a purpose other than residential, and acknowledge that I require the prior, written consent of the LSPOA Board of Directors in order to do so as per Article VIII, Section 8.7.

The type of use I wish to put my unit to is as follows: VACATION RENTAL / LONG TERM.
(include letter to Board outlining type of business, impact to neighborhood, etc.) Cover items #1 to #12.

I represent that, in connection with this use:

1. The business use is consistent with the residential character of the community, including Covenants, Conditions and Restrictions (CC&R) of the LSPOA and complies with all applicable federal, state and local ordinances.
2. I have all necessary approvals for the business from the appropriate local governmental agency.
3. The business use will not put an undue burden on any of the community association's common elements or cause an increase in common expenses
4. The business use won't create noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors.
5. There will be no displays or signs indicating that the Unit is being used as other than a residence. All signs on vehicles will not exceed a total of four (4) square feet.
6. The business will not generate significant traffic, foot or vehicular or parking usage by clients, customers, delivery services, or others.
7. No equipment or other items related to the business will be stored, parked or otherwise kept outside the unit or on any common area.
8. The business has no employees on-site, other than members of my family who also reside in the unit.
9. The business won't involve the use, storage, or disposal of any materials classified as hazardous materials under federal, state, or local law.
10. The business use of my unit will be subordinate to its use as a residence, and will not require any external modifications that detract from the residential appearance of the unit.
11. Should the business use of my unit increase the association's insurance or other costs, I agree to pay the amount of that increase.
12. All information provided, as part of this Agreement and by signature of this Agreement, complies with the LSPOA CC&R. Any violations of this agreement, makes my permit null and void.

SIGNED Marisa Fernandez

DATE 10/07/2020



LAKE SHASTINA PROPERTY OWNERS ASSOCIATION

TO: Property Owner, Unit 53 Lot 78 & 79,

FROM: Environmental Control Committee

RE: Business Use of Unit

Congratulations on your recent business endeavor. We have noticed your fictitious name add in the newspaper. As a member of the LSPOA and residing in a planned unit development, you are responsible to abide by the Covenants Conditions and Restrictions (CC&Rs). It is our role to help maintain the residential character of the community. Article VIII, Section 8.7, prohibits business or commercial activities from being conducted from any lot, home or garage without the prior written approval of the Board.

This does not prohibit certain activities from being conducted from inside the home as long as it does not "involve exterior signage or create customer traffic." If you believe that you are conducting your business within the guidelines below, then check the appropriate items, sign and date the form and please send it to the above address. If you are wishing to conduct a business within your property, please go to www.lakeshastina.com under "LSPOA Info" and look for "forms and docs" for the "business use of unit application." Please submit this to our office with the \$50.00 fee so we may process this with the Governing Board.

I believe that my business meets the following criteria for exemption form a business use of unit permit from the LSPOA Board: (please check all those that apply)

- () maintaining his or her personal library in his or her Residence;
- () keeping his or her personal business records or accounts therein;
- () handling his or her personal or professional telephone calls or correspondence;
- leasing or renting his or her Residence in accordance with Section 2.3 of this Declaration; or
- () conducting any other activities on the Owner's Lot otherwise compatible with residential use and the provisions of this Declaration which are permitted under applicable zoning laws or regulations without the necessity of first obtaining a special use permit or specific governmental authorization so long as any such activity does not involve exterior signage or create customer traffic within the Properties.

The uses described above are expressly declared to be customarily incidental to the principal residential use and not in violation of this section.

Signed: Marisa Fernandez (owner) Date: 10/07/2020

Your attention to this matter in a timely matter would be most appreciative.

If you have any questions, please do not hesitate to call the CC&R Compliance Officer at 938-3281 ext. 101.

LAKE SHASTINA PROPERTY OWNERS ASSOCIATION

16320 Everhart Drive Weed, Ca 96094 530-938-3281

APN # 107-240-130
Escrow #
Expires 6/25/2020

Date Completed: June 24, 2020

Property Address: 17309 BLOCKER COURT, WEED, CA 96094

Owner of Property: MARGARET DEAN (2687) 44/478 U 53 L 78

Owner Mailing Address: _____ (If known, or different from Property Address)

Provider of §4525 Items: Roxy Villa, Accounts Receivable

CHARGES FOR DOCUMENTS PROVIDED AS REQUIRED BY §4525

The information provided by this form may not include all fees that may be imposed before the close of escrow.
Additional fees that are not related to the requirements of §4525 will be charged separately.

<u>California Civil Code §4530(b)(6):</u>				
DOCUMENT	CIVIL CODE SECTION	FEE	INCLUDED	NOTES*
Articles of Incorporation	§4525(a)(1)	\$ 2.00		
CC&R	§4525(a)(1)	\$ 13.00		
Bylaws	§4525(a)(1)	\$ 10.00		
	§4525(a)(1)	\$ 7.00		
Age Restriction	§4525(a)(2)	\$ 0.00		None
Rental Restriction	§4525(a)(9)	\$ 3.00		See Rental Rule enclosed
Annual Budget Summary, Including Reserve Study	§5300 & §4525(a)(3)	\$ 6.00		
Assessment & Reserve Funding Disclosure Summary	§5300 & §4525(a)(4)	\$ 3.00		
Financial Statement Review	§5305 & §4525(a)(3)	\$ 10.00		
Assessment Enforcement Policy	§5310 & §4525(a)(4)	\$ 8.00		
Insurance Summary	§5300 & §4525(a)(3)	\$ 2.00		
Regular Assessment	§4525(a)(4)	\$ 2.00		See below
Special Assessment	§4525(a)(4)	\$ 0.00		N/App
Emergency Assessment	§4525(a)(4)	\$ 0.00		N/App
Other Unpaid Obligation of Seller	§5675 & §4525(a)(4)	\$ 3.00		See below
Approved Charges to Assessments	§5300 & §4525(a)(4),(8)	\$ 3.00		
Preliminary List of Common Area Defects	§4525(a)(6),(7), §6000 & §6100	\$ 0.00		N/App
Preliminary List of Defects	§4525(a)(6),(7), §6000 & §6100	\$ 0.00		N/App
Notice of Violation	§5855 & §4525(a)(5)	\$ 0.00		
Required Statement of Fees	§4525	\$ 3.00		
Minutes of Regular Board Meetings Previous Twelve (12) Months	§4525(a)(10)	\$ 0.00		lakeshastina.com/lspoinfo.htm
HOA Packet Fee:		\$75.00		

* N/App = Not Applicable

<u>Additional Due:</u>				
DESCRIPTION	CIVIL CODE SECTION	AMOUNT		NOTES
Transfer Fee	§5600	\$ 50.00		RES 5-03
DUE ON ACCOUNT: Includes Lake Shastina POA Member Assessments, Late Fees & Interest	§5675 & §4525(a)(4)	\$PAID		January 1, 2020 billing
**SUBTOTAL:		50.00		

Grand total of fees due to the Lake Shastina Property Owners Association as of the above date:			125.00
FOR PRORATION PURPOSES: Lake Shastina Property Owners Association Member assessment of \$168 is billed semiannually in advance, covering 6 months	§5675 & §4525(a)(4) **Included in above subtotal	\$168.00	\$168 billed semiannually Jan 1 st covers Jan - June Jul 1 st covers July - Dec Included above

Signed: Roxy Villa

February 9, 2021

Siskiyou County Community Development Department
Planning Division
806 South Main Street
Yreka, CA 96097
C/O Ms. Rachel Jereb, Senior Planner

Siskiyou County Planning Commission:

My name is John Soletti and I reside at 17300 Blocker Ct. in Lake Shastina. I have lived at this residence since 1995 with my wife, Irene.

We are writing this correspondence to express our disagreement with the proposed conditional use permit (Fernandez Use Permit-UP-20-14) to convert an existing single-family dwelling, residential use, into a vacation rental. It is quite obvious, as expressed in the CC&R's of the Lake Shastina Development, that this project's primary use is for single-family dwelling, residential use.

That being said, I would like to provide a brief time-line of the activity at 17309 Blocker Ct. APN: 107-240-320, the dwelling in question.

On December 21, 2020, I noticed Eight (8) automobiles parked in the driveway of the above residence. They began gathering at approximately 9 a.m. and stayed until 5 p.m. At that time, Six (6) of the vehicles departed and two remained throughout the night.

I decided to call Gabriel & Marisa Fernandez and find out what was happening. Discussing this situation with Marisa, she asked if the vehicles were causing a traffic problem and I said that was not my concern, but the gathering seemed quite out of the ordinary for a single-family residence. I also asked, if this might be her relatives using the home and she said no. She stated she would call Sandra Haugen, her realtor at the Elite Real Estate Group. Prior to this conversation, I went on line at the Realtor's website, and to my amazement, I discovered that this residence was listed as an active AirBnB. I mentioned this to Marisa, and she questioned me as to my knowledge of this listing. I then explained to her how simple it was to find out this information? This gathering continued for three more days (December 22, 23, 24) with the same activity. At this time, my wife and our neighbors (Dennis & Terry Slate) went on line with Elite Real Estate Group website to verify our findings that this residence was being list as an AirBnB.

EXHIBIT B - COMMENTS

Following the Christmas Holiday, two more clients rented the residence. The first client rented the facility for approximately three days and appeared to be a golfer who would leave daily with his clubs and return in the evening. Following his departure, a family rented the facility for approximately four days. This group appeared to be skiers. After each client's departure, a housekeeping service would clean the residence.

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On February 3, 2021, we received the letter from the Siskiyou County Planning Commission informing us of the Public Hearing for a proposed permit to convert the single-family dwelling-residential use, into a vacation rental. We are adamantly against this proposal, as it was the intent of the development to make this sub-division a residential use-single family community, as is evident in the CC&R's for Lake Shastina.

We hope you can see the ramifications of this proposal and will vote to NOT ALLOW such a change. Thank you.

Respectfully submitted,

John Soletti

Irene Soletti

Residence @ 17300 Blocker Ct.

c/c: Mr. Rick Thompson, General Manager
Lake Shastina Property Owners Association