

**Siskiyou County Planning Commission  
Regular Meeting  
October 21, 2020**

The Siskiyou County Planning Commission meeting was held on October 21, 2020, at 9:00 a.m. in its usual physical location in the Board of Supervisors Chambers on the second floor of the Siskiyou County Courthouse, 311 Fourth Street, Yreka, California.

The Planning Commission meeting was also conducted via teleconference to allow for the Commissioners and members of the public to listen and comment.

**Present:** Commissioners Lindler, Fowle, Veale and Melo

**Absent:** Commissioner Hart

**Also Present:** Rick Dean, Community Development Director, Kirk Skierski, Deputy Director of Planning; Rachel Jereb, Senior Planner; Dan Wessell, Senior Environmental Health Specialist; William Carroll, Deputy County Counsel (participated via teleconference); Janine Rowe, Clerk

**Minutes:**

**Motion:** It was moved by Commissioner Fowle, seconded by Commissioner Veale, to approve the Minutes of the September 16, 2020, Planning Commission meeting as presented.

**Voted** upon and the Chair declared the motion carried unanimously by those Commissioners present, with Commissioner Lindler abstaining as she was absent from the September 16, 2020, Planning Commission meeting.

**Unscheduled Appearances:** None

**Conflict of Interest Declaration:** Commissioner Lindler declared conflicts of interest with Shastina West Time Extension (TSM1001), Parker Tentative Parcel Map (TPM2001) and Sirois Use Permit (UP1816).

At approximately 9:09 a.m., County Counsel William Carroll was having technical difficulties participating via teleconference. Chair Melo called for a break to allow time for Mr. Carroll to be able to connect to the meeting. The meeting resumed at approximately 9:14 a.m.

**Presentation of Documents:** None

**Public Hearing Protocol:** The Chair reviewed the protocol for conducting the Planning Commission meetings.

**Rights of Appeal Statement:** The Chair advised that projects heard at this Planning Commission meeting may be subject to appeal within ten calendar days. He directed interested individuals to contact the County Clerk's Office for information. He advised that if you challenge

OCTOBER 21, 2020

the environmental review or the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Department at, or prior to the public hearing. The Chair apprised the Commissioners and audience that appeals must be submitted to the County Clerk's Office together with the appeal fee of \$1,250.

### **Changes to the Agenda:**

#### **1. Water Collection and Distribution Zoning Text Amendment (Z2005) / Categorically Exempt**

The project proposes to amend Article 46 of Chapter 6 of Title 10 of the Siskiyou County Code to require Conditional Use Permit approval to allow for "Water collection and distribution, including bottling facilities and bulk extraction and transportation". The proposed amendments would now require a Conditional Use Permit to allow for land uses that involve collection and distribution of water including bottling facilities and bulk collection and transportation of water, and would no longer allow water bottling facilities at the source in the Light Industrial (M-M) and Heavy Industrial (M-H) zoning districts by-right. The project area (i.e., unincorporated Siskiyou County) is roughly centered on Section 17 of Township 44 North, Range 7 West of the Mount Diablo Meridian.

Staff requested a continuance of this item to a future Planning Commission meeting.

**Motion:** After discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, that the Water Collection and Distribution Zoning Text Amendment (Z2005) be continued to a date in the future when Staff is ready to present the project.

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

### **Old Business: None**

### **New Business:**

#### **1. Waggoner Use Permit (UP2004) / Categorically Exempt**

The project is a proposed conditional use permit to convert an existing single-family dwelling into a vacation rental. The project is located at 416 Broadway Avenue in the community of McCloud on APN: 049-204-030; Township 39N, Range 3W, Section 1, MDB&M; Latitude 41.2554°, -122.1354°.

**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 described this project as a use permit application proposing to allow the use of an existing single-family dwelling as a short-term vacation rental in the McCloud area. The project

OCTOBER 21, 2020

property is located at 416 Broadway Avenue, which is an approximately ¼-acre parcel with a 2,135-square-foot, two story single-family dwelling. The property is within the single-family residential zoning district which allows short-term rentals upon issuance of a use permit. The project is considered to be consistent with the General Plan and zoning for its area. The applicant proposes to have the rental managed by Lynn Tyhurst of McCloud Vacation Rentals. The dwelling passed inspection by the Building Department and Environmental Health. Up to six guests could be accommodated at any given time. Three parking spaces are required for this proposed rental, and those spaces are located in the garage and adjacent to the storage shed. This project is proposed to be exempt from CEQA per Section 15301 as it is an existing facility, and there are no unusual circumstances or future activities which might reasonably result in this project having a significant affect on the environment. No public comments have been received for this project. Environmental Health commented on this project regarding their requirements. Staff recommends determining the project Categorical Exempt and approving the use permit.

Commissioner Melo disclosed that he visited the project site.

**Agency Input: None**

The Chair opened the Public Hearing.

**Public Input:**

Ms. Natalie Miller of McCloud spoke in opposition to the project. Ms. Miller believes there are too many properties in McCloud being purchased by non-residents who are turning them into vacation rentals, which adversely affects the full-time residents as well as the quality of life.

The Chair closed the Public Hearing.

**Discussion by Commission / Commission Questions:**

Discussion was held regarding the number of vacation rentals in the community of McCloud, but it is beyond the purview of the Planning Commission to regulate it. There was also discussion regarding the fact that the more residences become converted to vacation rentals, the fewer homes are available to full-time residents should an industry or business return to McCloud. Commissioner Lindler wondered about CEQA and reviewing projects from the past ten years and the future five-year projects, and how that cumulative effect affects the zoning of rural residential. Commissioner Lindler also remarked that she believes a property owner has rights as long as they abide by the law, especially because of onerous restrictions on long-term rentals and the eviction process.

**Motion:** Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to adopt Resolution PC-2020-020, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Waggoner Use Permit (UP2004) and Determining the Project Exempt from CEQA.

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

**2. Charles Henderson Use Permit (UP2005) / Categorical Exempt**

OCTOBER 21, 2020

The project is a proposed conditional use permit to convert an existing single-family dwelling into a vacation rental. The project is located at 216 Shasta Avenue in the community of McCloud on APN: 049-272-060; Township 39N, Range 2W, Section 6, MDB&M; Latitude 41.2523°, - 122.1297°.

**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 said this project is also a short-term vacation rental in McCloud, located at 216 Shasta Avenue. The parcel is approximately ¼-acre with a 1344 square-foot two-story single-family dwelling. The home is in the single-family residential zoning district in the R-1 district which allows short-term rentals on issuance of a use permit. The project is consistent with the General Plan and zoning for its area. The applicant plans to have the rental managed by Lynn Tyhurst of McCloud Vacation Rentals but has not entered into contract with her at this time. The dwelling has passed inspections by both Building Department and Environmental Health. Up to ten guests could be accommodated because of the square footage of the three bedrooms. Four parking spaces are required for this proposed rental, and the spaces are accessed via the alleyway. This project is proposed to be exempt from CEQA per Section 15301 as it is an existing facility and there are no unusual circumstances or future activities which might reasonably result in this project having a significant effect on the environment. One public comment was received for this project after the Staff Report was written, which was provided to the Commissioners prior to the meeting. Environmental Health commented on this project regarding their requirements. Staff recommended determining that this project be categorically exempt and approving the use permit.

Chair Melo disclosed that he visited the site.

**Agency Input: None**

**Commission Questions:** Commissioner Veale asked when the project was submitted, and Ms. Jereb responded that it was submitted in February 2020 and considered complete in March 2020.

The Chair opened the Public Hearing.

**Public Input:**

Ms. Angelina Cook of McCloud spoke against the project. She believes affordable housing is difficult to find in McCloud. She appreciated Commissioner Lindler's comment about the imbalance between private property ownership choices and the existing housing availability in McCloud. She is opposed to the unlimited vacation rental pattern in McCloud.



OCTOBER 21, 2020

Mr. Patrick Henderson of Chico, who has a use permit application for a vacation rental in McCloud on today's Agenda, said the only way he could afford to keep it was to rent it out as a vacation rental. He said currently there is no other industry in McCloud other than tourism. He has not seen problems with noise and parking problems.

Mr. Charles Henderson of Santa Paula, who also has a use permit application for a vacation rental in McCloud on today's Agenda, spoke about a comment he received on his project discussing trash and bears, lack of income for the community and parking on the street. He believes the travel and hospitality industry is benefiting McCloud.

The Chair closed the Public Hearing.

**Discussion by Commission / Commission Questions:** Discussion was held among the Commissioners and Staff regarding the audit process for collecting Transient Occupancy Taxes from vacation rentals and where those taxes go and tracking the permitted vacation rentals.

Commissioner Fowle addressed a concern by one of the commenters regarding the quantity of vacation rentals in McCloud and suggested they take a look at what Scott Valley did, which was to create their own area plan.

Discussion was held about how to handle problems with wildlife and trash. Ms. Jereb pointed out that Condition of Approval item 12 states that the applicant has to comply with the McCloud Community Services District Ordinance 4 regarding requirements for refuse containment. This Condition of Approval is included in all vacation rental projects. Discussion was also held about different options to secure trash containers and contacting the McCloud Community Services District letting them know of the concerns of the Commission and of their citizens.

Mr. Carroll said he agreed with the Commission's comments as to the legal standards of considering use permits for vacation rentals. He went on to say that what the public comment was really aiming at was probably a moratorium on vacation rentals in the McCloud area, which is beyond the purview of the Planning Commission. He ended by saying that it would be appropriate to add conditions regarding the protection of garbage and refuse.

**Motion:** Following discussion, it was moved by Commissioner Lindler, seconded by Commissioner Veale, to adopt Resolution PC-2020-021, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Charles Henderson Use Permit (UP2005) and Determining the Project Exempt from CEQA.

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

### **3. Patrick Henderson Use Permit (UP2006) / Categorically Exempt**

The project is a proposed conditional use permit to convert an existing single-family dwelling into a vacation rental. The project is located at 432 Shasta Avenue in the community of McCloud on APN: 049-222-030; Township 39N, Range 2W, Section 6, MDB&M; Latitude 41.2551°, - 122.1289°.

**Categorically Exempt  
Use Permit**

**Adopted  
Approved**

OCTOBER 21, 2020

**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 informed the Commissioners that Charles Henderson is the applicant on the Patrick Henderson short-term vacation use permit request as well, which is also for a single-family dwelling in McCloud and is located at 432 Shasta Avenue. The property is located on an approximately .17-acre parcel with an approximately 1032-square-foot single-family dwelling. The property is within the Res-1 zoning district in McCloud. The project is consistent with the General Plan and zoning for its area. The applicant plans to have the rental managed by Lynn Tyhurst of the McCloud Vacation Rentals, and the dwelling has passed inspections by both the Building Department and Environmental Health Department. Due to the square footage of the two bedrooms, up to six guests could be accommodated at any one time. Three parking spaces are required for the proposed rental, and the spaces are in the front and rear of the home. This project is proposed to be exempt from CEQA per Section 15301 as it is an existing facility and there are no unusual circumstances or future activities which might reasonably result in this project having a significant effect on the environment. One public comment was received for this project after the staff report was written, and it was provided to the Commissioners prior to this meeting. Environmental Health commented on this project regarding their requirements. Staff recommends determining the project categorically exempt and approving the use permit for this project.

Chair Melo disclosed that he visited this site.

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

The Chair opened the Public Hearing.

**Public Input:**

Mr. Patrick Henderson said that they did not know they were operating without consent from the County, but they immediately submitted an application for a use permit after being cited. Before that, they hosted eight or nine guests and received high ratings. This was prior to the pandemic, and their guests utilized services in the McCloud area. He agreed that dealing with trash is a serious problem. He thinks the tourism industry in McCloud is a good thing because it allows people to experience nature.

Mr. Charles Henderson said that the TOT taxes are collected and the revenue is going to McCloud. He said most guests bring their own food and beverages but go out and spend their money at different places including Mount Shasta.

Ms. Anne Marsh of Etna said she wanted to clarify where the TOT goes and there seemed to be confusion about whether McCloud is actually a city or town. Since McCloud is not incorporated,

OCTOBER 21, 2020

the TOT goes into the County coffer and it might go through the McCloud Community Services District.

The Chair closed the Public Hearing.

**Discussion by Commission / Commission Questions: None**

**Motion:** Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to adopt Resolution PC-2020-022, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Patrick Henderson Use Permit (UP2006) and Determining the Project Exempt from CEQA.

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

Discussion was held about Commissioner Lindler's conflict with Shastina West Time Extension (TSM1001) and the Sirois Use Permit (UP1816). Regarding the Parker Tentative Parcel Map (TPM2001), Commissioner Lindler also disclosed that she was contacted by the applicant for consultation, but they did not retain her. They asked her to look at the property but she was not paid. County Counsel William Carroll said that since she had no direct financial interest, it did not appear to be a conflict of interest.

Commissioner Fowle suggested that the Parker Tentative Parcel Map (TSM2001) be moved to the next item on the Agenda. No formal motion was required to rearrange the Agenda.

**4. Parker Tentative Parcel Map (TPM2001) / Categorically Exempt**

The project is a proposed tentative parcel map split the existing 44.62-acre parcel into three new parcels (approximately 10.03, 15.02, and 19.57 acres) on property zoned Rural Residential Agricultural, 2.5-acre minimum parcel size (RRB2.5). The project site is located at 105 Eagle Nest Road, East of the city of Mt. Shasta on APN 037-180-150; Township 40N, Range 4W, Section 14 MDBM; Latitude 41.315°, Longitude -122.271°.

**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 said the applicant, Nathan Parker, was requesting approval of a tentative parcel map to subdivide an existing 44.62-acre parcel into 3 parcels of 10.03, 19.57 and 15.05 acres. The subject parcel is located on Eagle's Nest Road about a mile east of the City of Mount Shasta, and it's within the R-R-B-2.5 zoning district which allows a minimum parcel size upon division of 2.5 acres. All 3 parcels would be accessed from an existing private road on the property that the applicant proposes to name Grateful Way. The two southernmost parcels would also have access to Eagle's Nest Road due to the proposed lot configuration. Proposed Parcel A is developed with an existing single-family dwelling and accessory structures. Proposed Parcels B

OCTOBER 21, 2020

and C are developed with the proposed Grateful Way and approved septic sites. The project is consistent with the Subdivision Map Act and General Plan and zoning for its area. The project is proposed to be exempt from CEQA pursuant to Section 15061(b)(3), the common sense exemption, because there are no unusual circumstances or future activities which might reasonably result in this project having a significant effect on the environment. No public comments were received for this project. Environmental Health, Cal Fire, the Treasurer/Tax Collector and Air Pollution Control commented on this project regarding their requirements, and staff recommends determining the project categorically exempt and approving this tentative parcel map.

**Agency Input: None**

The Chair opened the Public Hearing.

**Public Input: None**

The Chair closed the Public Hearing.

**Discussion by Commission / Commission Questions: None**

**Motion:** Following discussion, it was moved by Commissioner Lindler, seconded by Commissioner Veale, to adopt Resolution PC-2020-019, 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 Parker Tentative Parcel Map (TPM2001).

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

**Ayes:** Commissioners Lindler, Fowle, Veale and Melo

**Noes:** None

**Absent:** Commissioner Hart

**Abstain:** None

At approximately 10:09 a.m., Commissioner Lindler left the room

**5. Shastina West Tentative Subdivision Map Time Extension (TSM1001) / Categorically Exempt**

OCTOBER 21, 2020

The proposed project is requesting an 18-month time extension of the Shastina West Tentative Subdivision Map (TSM10-01). The Shastina West Subdivision is a proposed single family residential and agricultural development of 26 lots situated on 124.8 acres adjacent to Lake Shastina north of the City of Weed. The development would occur in two phases. Phase 1 includes 16 single-family residential lots with an average lot size of 0.75 acres. Phase 2 includes 4 single-family residential lots and 6 agricultural lots with sizes ranging from 2.4 acres to 26.07 acres. Water and sewer services for Lots in Phase 1 would be provided by the Lake Shastina Community Services District. Water and sewage disposal for Lots in Phase 2 would be provided by individual on-site domestic wells and septic systems. The project site is located on Dwinnell Way, approximately .25 mile north of the intersection of Dwinnell Way and Jackson Ranch Road, adjacent to the Lake Shastina Subdivision; T42N, R05W, Sections 10 and 11; MDB&M; APNs: 020-071-320, 330, 450 and 460.

**Categorically Exempt  
Time Extension**

**Adopted  
Approved**

**Staff Report:**

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

Mr. Skierski told the Commission that the proposed project was a request for an 18-month time extension of the Shastina West Tentative Subdivision Map. The tentative subdivision map was approved back in 2011. During that time, the State of California approved three automatic time extensions to tentative maps relating to the economic downturn that was occurring at that time, so the State granted all tentative maps these time extensions. Approximately 18 months ago, the applicant came before you to request an 18-month time extension that is allotted by the Siskiyou County Code. Our Code allows for up to two 18-month time extensions, so the applicant is requesting the final 18-month time extension. Mr. Skierski said it was his understanding that most of the infrastructure work required for this subdivision has been completed with the last remaining items related to the roadway that need to be completed before the final map can be recorded.

**Agency Input: None**

The Chair opened the Public Hearing.

**Public Input:**

Mr. Evan Chertkov of Lake Shastina, the project proponent, told the Commission that he has been diligently working on the project from the beginning and hasn't received had any comments from any neighbors or organizations. He said all the fire hydrants and sewer are installed. The Community Services District has signed off. They still have roads and two holding ponds which is 25 percent of the budget. Because there was so much roadwork going on over this last year, he was unable to complete the asphalt, but plans to get that completed if the weather cooperates. He has not received any comments from the community about the project.



OCTOBER 21, 2020

Ms. Christine Phillips of Weed said she has a lot which backs up to this new subdivision, and this was the first she has heard of the project. She was concerned that since this application was taken out so long ago and so many homes have been built since then, that there would be a strain on the water supply and usage for Lake Shastina. She wanted more information on when the developer planned to start the development and the number of trees that will be taken down.

The Chair asked the project proponent to comment. Mr. Chertkov said he plans to build two spec homes a year. He said he loves the area and wants to control the quality. The property is not part of the homeowners' association. He said it would probably take almost 18 months by the time the surveyors and the County sign off on the final map. He hopes to start on the ends and then the middle, so the neighbors would not always have houses being built next to them. He said there would be some roadwork in the next 18 months, and then probably starting 18 to 24 months, they would start to build two houses.

The Chair closed the Public Hearing.

**Discussion by Commission / Commission Questions:** Discussion was held about the development having its own Covenants, Conditions and Restrictions.

Discussion was held about water allocation and that the Community Service District reviews the projects.

Discussion was held about sewer and water; Mr. Chertkov does not believe there are water problems, but there was a sewage treatment problem and it has been repaired.

**Motion:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, adopting Resolution PC 2020-023 and approve the Shastina West Subdivision Time Extension project (TSM1001) and grant the second and final 18-month time extension for the Shastina West Subdivision; and determine the project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15162 and 15061(b)(3) of the CEQA Guidelines.

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

At approximately 10:23 a.m., Chair Melo called for a break  
At approximately 10:30 a.m., Chair Melo resumed the meeting

## **6. Sirois Use Permit (UP1816) / Categorically Exempt**

The project is a proposed conditional use permit to host annual music events on a parcel zoned Rural Residential Agricultural, 40-acre minimum parcel size (RRB40). The project site is located at 3832 Deer Mountain Road, approximately 20 miles northeast of the City of Weed, Siskiyou County, Calif., on APNs 019-500-271, 019-500-321, 019-500-491; Township 42N, Range 1W, Section 8, MDB&M (Latitude 41°30'20.59"N, Long 121°59'57.06"W).

**Categorically Exempt**

**Continued**

OCTOBER 21, 2020

**Use Permit****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 said the project applicant is requesting approval of a privately operated recreational facility which would allow for two annual four-day music events during a single calendar year. It has been used as a music venue since 2004 and is developed with facilities that are accessory to that event. Adjacent parcels are also zoned Rural Residential, are large or very large and are undeveloped. The applicant requests approval for two four-day events per calendar year with a set maximum of 750 total people per event. Individuals attending or staffing the event would camp on site for the duration of the event in an undeveloped camping area. The use of this property for this event is allowed in the RR zoning district with the issuance of a conditional use permit under SCC Section 10-6.1502(c)(4) which is the recreational facilities privately operated use. Staff evaluated the request to determine compatibility with the site and surroundings and reviewed the configuration, design, location and potential impacts of the proposed project. Staff is proposing a number of conditions to this project based on the comments that were received. Staff is proposing that this project be found consistent with General Plan and zoning for its area and to be exempt from CEQA pursuant to Sections 15061(b)(3), 15301, 15303(d), 15303(e) and 15304(e). Multiple public comments both for and against this project were received. Environmental Health, Cal Fire, Cal Trans, CDFW, KNF and Siskiyou County Building also commented on this project. Staff recommends determining the project categorically exempt and approving this use permit with the conditions of approvals that are recommended.

**Agency Input: None**

The Chair opened the Public Hearing.

**Public Input:**

Nicholas Riddle, civil engineer with Mt. Shasta Engineering, and the applicant's representative, said the project has been challenging due to the nature of the event and some of the comments from the agencies. He said the applicants came to Mt. Shasta Engineering two years ago after they were informed that they couldn't have this event without a use permit. It was the applicant's understanding that a use permit was required for festivals, but they took action immediately as soon as they realized they also had to have a use permit. He talked about their having the best intentions as far as making this a legal event, making it as safe possible consistent with all the agency comments on the record, and that it is their life's work to continue doing this event on their property which was chosen for its location, its setting and the natural resources. They have met with Cal Fire, Forest Service, and have diligently worked with Staff to address all concerns.

Mr. Scott Sumner of Yreka said he thinks the project as proposed is not an existing use. He believes the staff report and supporting documentation was inadequate to support the recommendation of an exemption under CEQA. He expressed concerns about the road

OCTOBER 21, 2020

considered for ingress and egress from the project and ancillary activity associated with the event that does not occur within the project limits. He was not familiar with where Lake Lure is located but believes it is likely a jurisdictional wetland. He has concerns about the noise level and its impact on wildlife. He thinks there is potential for impact to flora and perhaps there are noxious weeds in the vicinity. He said he did not see anything indicating an environmental questionnaire was completed.

Commissioner Veale asked Mr. Sumner if he had visited the site, and Mr. Sumner said that he had been through the area on Forest Service Road 42N16 during his career.

Ms. Anne Marsh of Etna said she does not believe the County should continue to make illegal uses baseline and then find there is no negative effect on the environment. She said she was looking into the categorical exemption being requested based on an existing structure. She does not believe a sleeping area built for camping can be considered under that categorical exemption.

Mr. Zuriah Shara of Mount Shasta said the event described in the applicant's use permit is very special to him because there is nothing like it in the community. He believes people who attend the event are respectful to the land and don't leave trash behind. The landowners make every possible effort towards safety and compliance with regulations, which includes not allowing fires. He said sound pollution is not an issue because the land is in kind of a bowl. He thinks the event allows people to come together and have a good time.

Ms. Lisa Sirois, the project applicant, said the event is known as Star Camp and has been her life's work and dream. She and her husband will implement the conditions if the project is approved. She believes the event will bring tourism to the area.

Mr. Shara added that Ms. Sirois and her husband have been diligently complying with the regulations.

The Chair closed the Public Hearing.

#### **Discussion by Commission / Commission Questions:**

Discussion was held regarding whether or not Lake Lure is private or public, and Ms. Jereb said it was her understanding that it is privately owned and is a closed basin that collects snowmelt. Commissioner Fowle requested that it be clarified whether or not it would fall under the regulations of the State Water Quality Control Board (SWQCB).

Commissioner Fowle said he felt that California Department of Fish and Wildlife's (CDFW) comments were lacking. He said he wanted this project to go back to CDFW for a full evaluation and comment, because there are bordering parcels that have to do regular habitat-type surveys and biological/wildlife surveys.

Discussion was held regarding when the event would take place, which would be primarily in the summer due to the elevation of the site. Discussion was held about taking into consideration high fire danger in the summer.

Discussion was held regarding camping and potential spills of toxic substances.

OCTOBER 21, 2020

Condition of Approval 7 was discussed, and Commissioner Fowle recommended that Fruit Growers and CDFW be included.

Condition of Approval 16 was discussed, and Commissioner Fowle wanted the condition to include the requirement that the water tender should be onsite with a crew of two fulltime operators, not assigned to dust abatement. Ms. Jereb directed his attention to Condition of Approval 17 which states that the event shall be staffed with a minimum of two wildland firefighters or equivalent-trained personnel 24 hours a day for the duration of the event, and it has additional conditions. Discussion was held that the firefighters should also be certified and licensed to drive a water tender.

Discussion was held about the gallons per minute on the existing well and what the plans were to refill the water tender, whether it was from the well or Lake Lure. Mr. Skierski said the plan would likely be addressed during the onsite meeting which would take place 14 days prior to an event. The responsible agencies would meet on site and draft an emergency response plan for that season. It would occur every single year, and that emergency response plan may change from year to year depending on those conditions.

Commissioner Veale commented that during his time on the Commission, only two projects were denied, and it was because they were not compatible to the surroundings. He stated he was not ready to approve the project.

Commissioner Fowle said he did not see a condition relating to dust abatement and that he agreed the location was not ideal for the equivalent of the city of Etna to move in for four days. He reiterated that he wanted to see surveys from CDFW regarding potential impacts of having the proposed number of people attending the event. He was surprised there were no comments from CDFW along those lines.

Mr. Skierski replied that Staff reached out to CDFW to provide comments and there were some comment letters in which neighboring property owners reached out to CDFW directly asking them to comment on the project, but CDFW has not commented.

Commissioner Veale reiterated that he would not vote to approve the project, but he thinks it would be appealed to the Board of Supervisors.

Further discussion was held about CDFW not having any comment on the project.

Discussion was held about Staff's process in sending out 15-day notices about pending projects to the State and local agencies. Mr. Skierski said that agencies will not generally comment in relation to the County's permitting process but would just focus on the project itself, and Commissioner Fowle said he found that to be lacking.

Chair Melo reopened the Public Comment.

Mr. Sumner added comments regarding an environmental questionnaire being prepared, a letter from the US Forest Service dated 1/28/2020, the location of Lake Lure, a public road that approaches Forest Service Road 42N16, whether or not Lake Lure is a designated wetland, noise, cultural resources, event parking and a medical airlift zone. He wanted to know what Condition of Approval 34 means.



OCTOBER 21, 2020

Ms. Sirois stated that the water is privately owned. She doesn't feel they should be subject to the same rules and regulations as logging companies. Their application requests two events per year, but they mainly just want to do one.

Ms. Jereb remarked regarding Ms. Sirois' comment about outdoor festivals in that the County Code defines them as 5,000 or greater, so it was understandable that Ms. Sirois thought they didn't meet the definition of an outdoor festival.

Discussion was held about how the project falls under the category of a private recreational facility. The outdoor festival permit is a one-time permit that does not run with the land.

Discussion was held about where Staff sends their requests for comment from State and local agencies.

Discussion was held about the fact that a condition could be added that a parallel shutdown system could occur if the Forest Service closes adjacent land due to fire danger and this particular piece of property would not be allowed to have their event. Commissioner Fowle remarked that it should be brought up on a site-by-site case with Cal Fire and the US Forest Service for the time that whatever the event is being proposed, and Mr. Skierski replied that Staff reached out to the State Fire Marshal to ask what they thought would be the appropriate number of attendees for this particular activity and they refused to comment.

Mr. Skierski said the applicant has held about ten events within the last 16 years, and Staff was not aware of any concerns related to this use specifically. There were some issues related to an adjacent property owner who had issues with fires and other activities that were unpermitted, and Ms. Jereb has conditioned the project to further ensure that this activity does not impact those neighbors. One of the Conditions of Approval requires an annual permit with the US Forest Service, and it is likely they would add conditions of approval for issuance of that road permit.

Further discussion was held about whether Lake Lure is a designated wetland. Mr. Skierski said Staff would look into the conditions required for it to be a designated wetland.

Ms. Jereb continued responding to Commissioner Fowle's comments. She said they haven't been able to get much more than what has been provided from Cal Fire regarding 4290 regulations. The State Fire Marshal did not respond. The Conditions of Approval in the Staff Report are as a result of her conversations with a retired Cal Fire chief who had no concerns. He helped her come up with new conditions specifically related to having permanent onsite water for fire protection.

Discussion was held about 4290 requirements, ingress and egress requirements, and that those requirements are only applicable to the property owner submitting an application for a use permit or building permit.



OCTOBER 21, 2020

Discussion was held about making it a condition that the applicant limit the event to once a year with no more than 550 attendees.

Discussion was held about parking and camping. Ms. Jereb said she had discussions with people who asked about potential fire danger from parking off the road. She visited the site last year and noted there are actually no grasses or weeds in this particular area.

Discussion was held about potential toxic substance spills from vehicles. Ms. Jereb said language could be added to the Conditions of Approval to deal with that.

Discussion was held about adding Fruit Growers, North Coast Water Quality Control Board and the State Water Board to the 14-day meeting. Ms. Jereb reiterated that the project applicant would be required to get an annual permit from the US Forest Service, which would cover any of the requirements that the Forest Service would want.

Mr. Skierski asked the Commission whether the project could move forward with additional conditions of approval; if not, then Staff would not necessarily need to make any modifications. It would also depend on whether or not the applicant would agree to them.

Commissioner Fowle reiterated his concerns about the location, number of attendees, and neither Cal Fire nor the US Forest Service giving their blessing as it relates to fire activity. He was concerned about the potential number of vehicles having to evacuate the area in case of fire.

Mr. Skierski and Ms. Jereb said the Conditions of Approval could be modified. Commissioner Fowle said he was open to recommendation of a different limit on attendees/vehicles.

Discussion was held about insuring the event, and the project proponent indicated she has gotten insurance in the past and has bonded all of the neighbors as part of her insurance.

More discussion was held about the three modes of ingress and egress leading in and out of the property and where fire protection agencies would come from and how they would get to the property.

The discussion returned to the subject of insurance, and Mr. Carroll said the County has its Agreement for Indemnification in place. As to insuring surrounding property owners, Mr. Carroll said it's a legal relationship that he didn't think would be appropriate to try to impose without directly involving the other property owners. Discussion was held about property loss occurring due to negligent activities.

Commissioner Fowle said that unless he has more input from Cal Fire and USFS saying they're comfortable with these conditions, X number of people is reasonable and does not pose a significant risk, he doesn't see his mind changing. More discussion was held about the lack of comments from Cal Fire, USFS and the State Fire Marshal.

Mr. Carroll said if there was any chance that the project could still be approved, maybe it would be better to refer the project back to Staff to address concerns. Otherwise, if the Commission

OCTOBER 21, 2020

didn't think the problems could be addressed, then vote no and state the reasons why the project is being denied.

Commissioner Fowle said he would put forward the motion to give this an opportunity to survive to refer this project back to Staff to address the following points:

Condition 7 to include additional entities and the appropriateness. Condition 16 to clarify licensing of individuals with the water tender. The spill protection question as it relates to the area will be researched and verified, is it a wetland, what potential mitigations may need to be in place there because of that. There may be additional potential mitigations that may be necessary after conversations are had with CDFW, appropriate NCWQCB, State Water Board, etc., for its proximity to a wetland.

Commissioner Fowle said he would like to see a designated area where parking would be because he felt it was necessary to get an appropriate response and feedback from the specific State agencies, making sure that it is very clear within the conditions and findings of what additional permits will be necessary for potential timberland conversion or as may be necessary for debrushing the roads, debrushing the site, tree removal if more is anticipated. Make sure that it's clear the project proponent is aware of that.

Discussion was held about scheduling a site visit. It was eventually decided that only Commissioner Veale would visit the site.

Commissioner Fowle continued delineating his requested conditions, which included existing fire conditions, dust abatement, ingress/egress, insurance and bonding.

Commissioner Veale reiterated that he does not think the project location is appropriate for the event.

Discussion was held about when Staff would be expected to bring the project back before the Commission, and it was decided to continue the project to a date not certain.

**Motion:** Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to continue the Sirois Use Permit (UP1816) to date not certain, directing Staff to research and address the points raised during today's meeting.

**Voted** upon and the Chair declared the motion carried by a majority vote by Commissioners Fowle and Melo.

At 12:57 p.m., Commissioner Lindler returned to the meeting.

### **Staff Comments:**

Mr. Skierski advised the Planning Commission that the Board of Supervisors voted 2 to 2 on the Agritourism Zoning Text Amendment which neither approved nor denied the project. Therefore, the project would not be moving forward.

OCTOBER 21, 2020

**Commission Comments:**

Commissioner Veale asked Staff whether vacation rental applications could be done administratively. Mr. Skierski explained that currently the County code requires vacation rentals to receive use permit approval, and the Planning Commission is the review authority for use permits so it would require a code amendment.

Commissioner Veale asked for the status of the Southern Oregon Ready Mix Rezone project. Mr. Skierski said there were some complexities related to the noise consultants hired for that baseline study, and Staff anticipates receiving the report at the end of the month.

Commissioner Veale asked if it would be reasonable to request that the project be on next month's agenda, and Mr. Skierski explained the noise analysis report will have a big implication on the project so depending on that status, Staff would need to check with the applicant whether they would move forward.

**Adjournment:** The meeting was concluded at 1:05 p.m.

Respectfully submitted,



Kirk Skierski  
Secretary

\jr