

**Siskiyou County Planning Commission
Regular Meeting
November 17, 2021**

The Siskiyou County Planning Commission meeting of November 17, 2021, was called to order by Chair Melo at 9:00 a.m. in the Board of Supervisors' Chambers, 311 Fourth Street, Yreka, California.

Present: Commissioners Hart, Fowle, Veale and Melo

Absent: Commissioner Lindler

Also Present: Rick Dean, Community Development Director; Rachel Jereb, Senior Planner; Shelley Gray, Assistant Planner; Dan Wessell, Deputy Director of Environmental Health (via teleconference); William Carroll, Deputy County Counsel; Janine Rowe, Clerk

Minutes: It was moved by Commissioner Veale, seconded by Commissioner Fowle, to approve the Minutes from the October 20, 2021, Planning Commission meeting as presented, with Commissioner Hart abstaining because he was not present at that meeting.

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

Unscheduled Appearances: None

Conflict of Interest Declaration: Commissioner Hart declared a conflict of interest with the Michigan-California Timber Boundary Line Adjustment (BLA-21-22) project.

Presentation of Documents, Availability of Public Records, and Public Hearing Protocol: The Chair asked those members of the public present in the meeting room as well as to those present via teleconference to review these items on the Agenda.

Rights of Appeal Statement: The Chair advised that projects heard at this Planning Commission meeting may be subject to appeal within ten calendar days of today's meeting (if the 10th day falls on a weekend, the appeal must be received the following business day). He directed interested individuals to contact the County Clerk's Office for information. He advised that if you challenge 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.

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Changes to the Agenda: None

Old Business: None

New Business:

Agenda Item 1: Hampton Use Permit (UP-21-13) / Categorically Exempt

The project is a proposed Conditional Use Permit to allow short-term vacation rental use within an existing single-family dwelling. The project site is located at 2025 N. Kidder Creek Road, Greenview, CA on APN 024-420-340; Township 43N, Range 10W, Section 25, M.D.M.; Latitude 41.545°, Longitude -122.937°.

Staff Report:

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

Ms. Gray advised the Commission that the Hamptons' 10-acre parcel is developed with primary and secondary dwellings, and the proposed short-term rental is 1,088 square feet. Two bedrooms and the living room are proposed as sleeping quarters. Based on the septic system, up to six guests can be accommodated. The four required parking spaces are available on the east side of the residence. The project is consistent with the General Plan and zoning for its area. The dwelling passed inspections by both the Building Division and Environmental Health. The project is proposed to be exempt from CEQA per Section 15301. Comments were received from Cal Fire, Environmental Health and the Building Division regarding their requirements. One comment by a member of the public in opposition to the project was received after the staff report was published.

**Categorically Exempt
Use Permit**

**Adopted
Approved**

Agency Input: None

The Chair opened the Public Hearing.

Public Input: None.

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

Commission Questions / Discussion:

Discussion was held that the property manager has to be a resident within the County, or they have to have a business within the County. If the property owner does not reside in the County, they are not eligible to be the property manager.

Commissioner Fowle requested that Condition of Approval 3.B., bullet point 4, be revised to add the words "by renter."

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to adopt Resolution PC-2021-027, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Hampton Use Permit

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(UP-21-13) with the addition to Condition of Approval 3. B., bullet point 4, words added "by renter" and Determining the Project Exempt from CEQA.

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

Agenda Item 2: Shastina West Subdivision Time Extension (TSM-10-01-3) / Categorically Exempt

The proposed project is requesting that the previously approved second 18-month time extension of the Shastina West Tentative Subdivision Map (TSM-10-01) be rescinded for the purpose of qualifying for a new statutory extension.

Staff Report:

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

Ms. Jereb told the Commission that the project proponent, Evan Chertkov, was requesting that the Commission rescind an 18-month extension that they granted on October 21, 2020, because of the passing of Senate Bill 9. A portion of Senate Bill 9, which was added to Government Code as Section 59514.5, granted an automatic 18-month extension to housing entitlements that were in effect on March 4, 2020, and that would expire prior to December 31, 2021. While this project was in effect on March 4, 2020, due to the previously granted second time extension, it did not meet the criteria of expiring prior to December 31, 2021, so the applicant was requesting that the second extension be rescinded so the project would meet the expiration date criteria.

**Categorically Exempt
Rescission of Time Extension**

**Adopted
Approved**

Agency Input: None

Commission Questions:

Discussion was held that the proponent wished to rescind the previous time extension so he would qualify for an extension under Senate Bill 9, which would give him an extension until the Spring of 2022. He would then return to the Planning Commission to request another 18-month extension.

The Chair opened the Public Hearing.

Public Input:

Mr. Evan Chertkov, the project proponent, said that most of the improvements are done on the project site, but the pandemic caused delays. He hopes to be done in the Fall of 2023. There being no further public comment, the Chair closed the Public Hearing.

Commission Discussion:

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Discussion was held regarding Commissioners' concerns if they granted the rescission whether the applicant would risk losing all extensions. Mr. Chertkov indicated he understands the risk. Also discussed were regulations in effect at the time project was originally granted and what the laws are now, e.g., Cal Fire 4290 standards.

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to adopt Resolution PC 2021-028 hereby taking the following actions:

1. Approve the Rescission of the Shastina West Subdivision Time Extension project (TSM-10-01) and rescind Resolution PC 2020-023 that approved the second and final 18-month time extension for the Shastina West Subdivision); and
2. Determine the project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

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

At approximately 9:34 a.m., Commissioner Hart recused himself from Agenda Item 3 and left the meeting room.

Agenda Item 3: Michigan-California Timber Company LP Boundary Line Adjustment (BLA-21-22) / Categorically Exempt

The project is a proposed boundary line adjustment to reconfigure two existing legal parcels zoned Timberland Production District (TPZ) by dividing APN 015-420-230 into two parcels and would include APN 015-420-200. This proposed boundary line adjustment would distribute 556 acres from a 634-acre parcel to a 40-acre parcel. The project site is located approximately 9 miles west of the Town of Fort Jones in Sections 29 and 30, T44N, R10W, MDB&M (Latitude 41.635°, Longitude -122.036°).

Staff Report:

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

Ms. Gray told the Commission that the boundary line adjustment would reconfigure two existing parcels resulting in one 78-acre parcel and one 596-acre parcel with the Scott River being the dividing line. No public comments were received, and Cal Fire, Environmental Health, and the Building Division commented regarding their requirements. Ms. Gray said the project was proposed to be exempt from CEQA pursuant to Section 15061(b)(3) and was consistent with the General Plan and the Scott Valley Area Plan. Since the project site is within the timberland production district, State law requires that the Board of Supervisors approve divisions of land resulting on parcels less than 160 acres, and Staff requested that the Planning Commission provide a recommendation to the Board to approve the project upon recordation of a deed-restricted timber management plan.

**Categorically Exempt
Boundary Line Adjustment**

Agency Input: None

**Recommending Adoption
Recommending Approval**

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The Chair opened the Public Hearing.

Public Input: None

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

COMMISSION QUESTIONS/DISCUSSION:

Commissioner Fowle said there was a typographical error in the math on the table on page 2 of the Staff Report wherein the total final acreage on the second row should be 596.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to adopt Resolution PC-2021-026, A Resolution of the Planning Commission of the County of Siskiyou, State of California, recommending that the Siskiyou County Board of Supervisors Approve the Michigan-California Timber Company, LP Boundary Line Adjustment (BLA-21-22).

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

Ayes: Commissioners Fowle, Veale and Melo

Noes:

Absent: Commissioner Lindler

Abstain: Commissioner Hart

At approximately 9:42 a.m., Commissioner Hart returned to the meeting room.

Agenda Item 4: Tyhurst Zone Change (Z-20-04) and Tentative Parcel Map (TPM-20-04) / Categorically Exempt

The applicant is requesting approval of the following:

- Zone change from Limited Industrial District (M-L) to Neighborhood Commercial District (C-U);
- Zone change from Neighborhood Commercial District (C-U) to Rural Residential Agricultural (R-R);
- Zone change from Non-Prime Agricultural (AG-2) to Rural Residential Agricultural (RR); and
- Vesting tentative parcel map to subdivide an existing 42.6-acre parcel into four parcels (16.5, 3.0, 4.7, and 6.6 acres) and a remainder parcel (11.8 acres).

The project site is located at 421 Timber Country Ranch Road in the unincorporated community of McCloud on APN: 049-062-500; Township 39 North, Range 2 West, Sections 6 and 7; Latitude 41.2482°, Longitude -122.1296°.

**Categorically Exempt
Zone Change
Tentative Parcel Map**

**Recommending Adoption
Recommending Approval
Conditionally Approved**

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

Ms. Jereb told the Commission that the applicants were requesting approval of a zone change on a single 42.6-acre parcel from commercial and agricultural districts to commercial and rural residential districts, as well as approval of a vesting tentative parcel map to create four new parcels and a remainder from the same parcel.

As a result of comments from State and local agencies, biological and wetland delineation surveys were performed in the Spring of 2021. No special status species or their habitat were found on the property during the survey, and the wetland delineation determined that Squaw Valley Creek runs 361 feet along a portion of the western edge of the property and measured between 12 to 15 feet wide. California Department of Fish and Wildlife recommended that the existing 50-foot buffer be expanded by measuring from the top of the bank or the outside edge of riparian vegetation, whichever is greater.

Even though Cal Fire commented on specific 4290 requirements for an expanded road easement and turnaround on the east side of proposed Parcels B and C, the project surveyor discussed the adequacy of the proposed easements shown on the proposed map with Cal Fire and it was determined that no expansion would be required in order to meet 4290 standards.

The applicant proposes to name the road Red Cloud Ranch Road with an alternate name of Red Cloud Road.

Ms. Jereb said the project was consistent with the Subdivision Map Act, General Plan and zoning for its area should the zone change be approved. Ms. Jereb recommended that the project be exempt from CEQA pursuant to Section 15061(b)(3).

Agency Input: None

The Chair opened the Public Hearing.

Public Input: None

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

COMMISSION QUESTIONS/DISCUSSION:

Commissioner Hart strongly expressed his frustration that State agencies governing water and environmental regulations are inconsistent in their scrutiny regarding water and fish as opposed to other wildlife species.

Discussion was held regarding the zoning and resultant parcels. The original parcel in question is a single parcel with multiple zones. Proposed Parcel A would be 16.5 acres in total, and the limited industrial zoning was proposed to be rezoned to neighborhood commercial. Proposed Parcel B was previously zoned neighborhood commercial, and the resultant 3-acre parcel would be rezoned to rural residential. Proposed Parcel C was split-zoned. 2.8 acres of that parcel was zoned neighborhood commercial, and 1.9 acres was zoned non-prime agricultural. It was proposed to combine that acreage for a total of 4.7 acres and to rezone it rural residential. Proposed Parcel D would be 6.6 acres and was zoned non-prime agricultural, and it was

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proposed to be rezoned rural residential. The remainder 11.8-acre parcel is zoned non-prime agricultural, and the project proponents were not proposing to rezone it.

Commissioner Fowle said he agreed with Commissioner Hart that the inconsistency of application of environmental law, and the investigation and application of codes by State agencies was deplorable and they should be ashamed. Commissioner Hart added that there is a double standard exercised by State agencies when making their interpretations. Chair Melo said he agreed with Commissioners Hart and Fowle about the irregularities, and that it has been going on for a long time and is getting worse.

Motion: Following discussion, it was moved by Commissioner Hart, seconded by Commissioner Fowle, to adopt Resolution PC 2021-025, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Conditionally Approving the Tyhurst Vesting Tentative Parcel Map (TPM-20-04) and Recommending that the Siskiyou County Board of Supervisors Determine the Project Exempt from the California Environmental Quality Act and Approve the Tyhurst Zone Change (Z-20-04) by Adopting a Draft Ordinance Rezoning 20.1 Acres (APN 049-062-500) from M-L to C-U (5.8 acres), C-U to R-R (5.8 acres), and AG-2 to R-R (8.5 acres).

Before the motion was voted on, in response to clarification requested by Commissioner Fowle, Ms. Jereb told the Commission that there would be four new parcels and a remainder which are defined and described on the vesting tentative parcel map being conditionally approved by the Commission.

Ayes: Commissioners Hart, Fowle, Veale and Melo

Noes:

Absent: Commissioner Lindler

Abstain:

Items for Discussion/Direction: None

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, December 15, 2021, at 9:00 a.m.
- 2. Correspondence:** None
- 3. Staff Comments:** Mr. Dean told the Commission that Staff would be coming back with the Surface Mining and Reclamation Act (SMARA) ordinance update at the December Planning Commission meeting. He said it is important that it get moved forward in some fashion because it's a hindrance to the County and to the Community Development Department in general. They are State regulations that cannot be made more liberal but can be made more defined or conservative.

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4. **Commission Comments:** Discussion was held regarding the emergency water shutoff to all agriculture in the Shasta and Scott Valleys. Discussion was held about how residents in the Scott Valley could go about redoing the Scott Valley Area Plan.

Discussion was held regarding redistricting within the County.

The Commissioners overall expressed their displeasure that the Board of Supervisors overturned the Planning Commission's denial of a project proposing to acquire a use permit to hold a music festival. Commissioner Hart remarked that he was told by a Supervisor that the Board was advised by County Counsel that the County would be sued if the Board did not overturn the Planning Commission's denial of that use permit, and Mr. Carroll said he was not aware of anyone in his office saying that.

Commissioner Hart once again said he was very frustrated with State agencies and the inconsistencies in their handling of projects.

Adjournment: The meeting was concluded at approximately 10:51 a.m.

Respectfully submitted,



Richard J. Dean
Interim Secretary

yjr