

Exhibit B

Planning Commission Staff Report, March 15, 2023



**Siskiyou County
Planning Commission Staff Report
March 15, 2023**

**New Business Agenda Item No. 1
Sinibaldi-Mendoza Use Permit (UP-22-04)**

- Applicant:** Luis Sinibaldi
- Property Owners:** Luis Sinibaldi & Joan Mendoza
P.O. Box 19069
Los Angeles, CA 90019-0069
- Project Summary** The applicant is requesting approval of the following:
- Use Permit to allow a short-term vacation rental use within an existing single-family dwelling.
- Location:** The project is located at 1900 Maple Drive, Weed, CA on APN 021-560-400; Township 41N, Range 5W, Section 27, MDB&M; Latitude 41.375°, Longitude -122.404°.
- General Plan:** Erosion Hazard; Wildfire; Woodland Productivity
- Zoning:** Rural Residential Agricultural District, 5-acre minimum parcel size (R-R-B-5)
- Exhibits:**
- A. Draft Resolution PC 2023-007
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 Sinibaldi/Mendoza Use Permit (UP-22-04)
 - Exhibit A-1. Notations and Recommended Conditions of Approval
 - Exhibit A-2. Recommended Findings
 - B. Comments

Background

The subject parcel is owned by Luis Sinibaldi and Joan Mendoza. The project is located at 1900 Maple Drive, approximately four miles southwest of the city of Weed.

The property is a legal parcel originally created as Lot 713 in Parcel Map No. 71, which was filed for record in the Siskiyou County Recorder's Office on December 8, 1970, in Parcel Map Book 1 at page 69. It was subsequently renumbered to 714 pursuant to the Certificate of Correction recorded October 12, 1972, (Vol. 675, Page 654).

This approximately 5-acre parcel is developed with a single-family dwelling appropriate to the Rural Residential Agricultural (R-R-B-5) zoning district. The dwelling is a 2,256 square foot two-story structure. Water and sewer connections are provided by an on-site septic system and private well.

The surrounding properties are zoned also R-R-B-5. Two parcels north of the subject property are developed with single-family uses pursuant to the rural-residential agricultural zoning district. The remaining parcels are undeveloped.

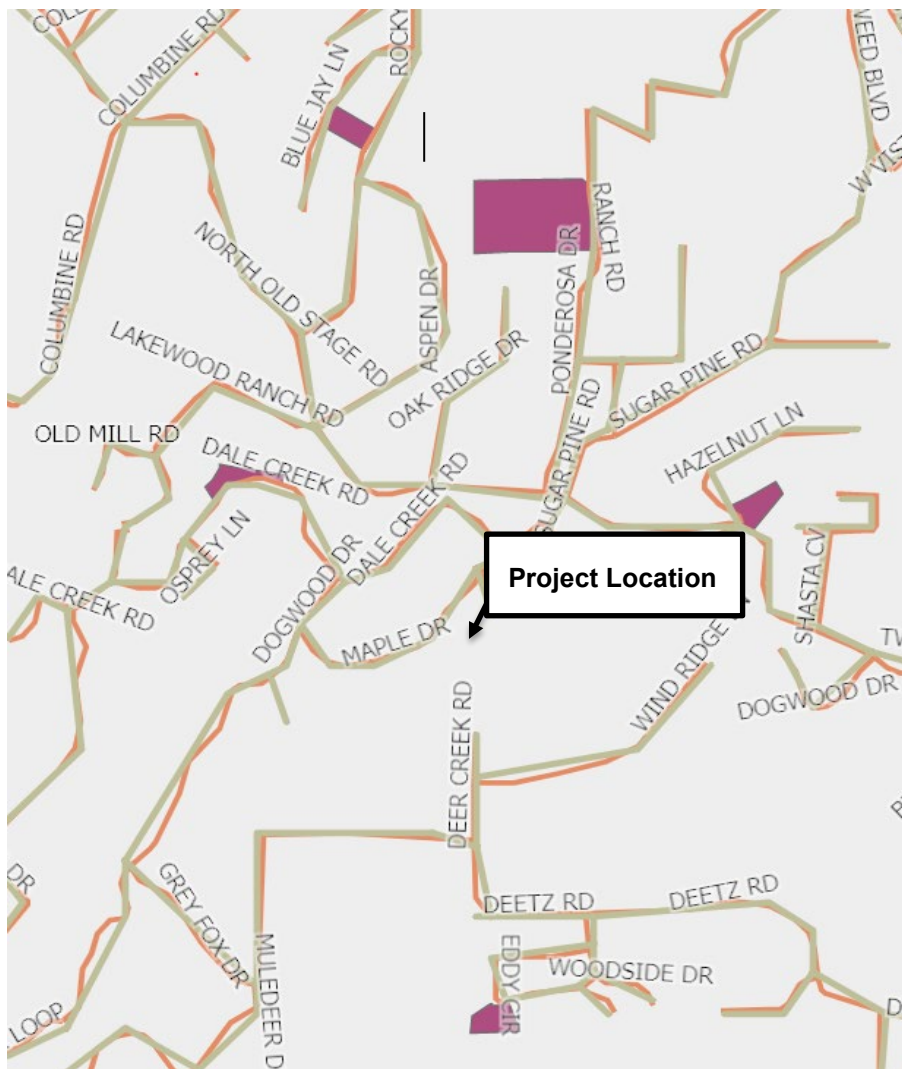


Figure 1: Project location and neighboring vacation rentals within 1.5 miles of the project site

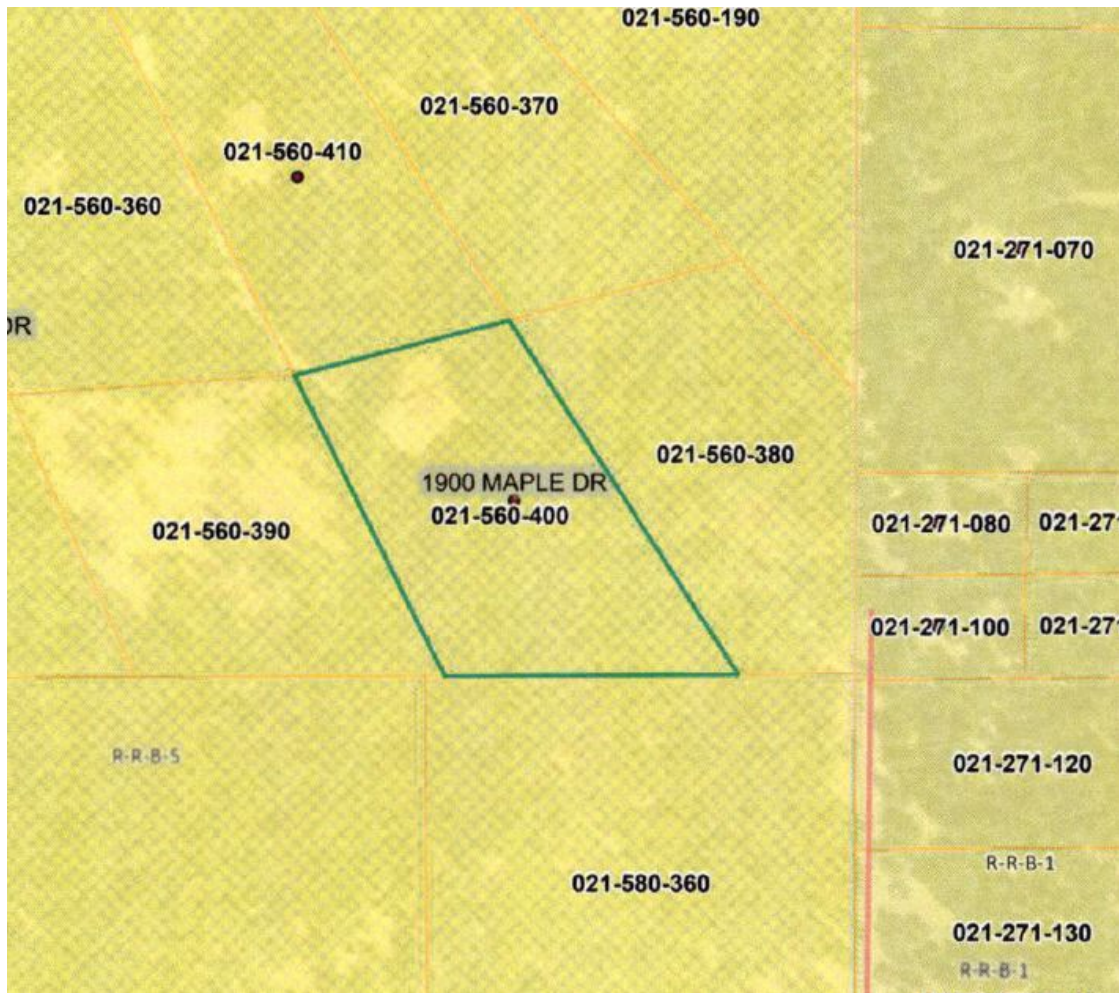


Figure 2: Zoning Map

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 area for Woodland Productivity. In addition, 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 proposed short-term vacation rental use, as conditioned, would be compatible with the surrounding land uses; has adequate roadway access for transportation, 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 and consideration.

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Zoning Consistency

The proposed project is situated in the Rural Residential Agricultural (R-R-B-5) zoning district and the proposed short-term 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 zoning consistency 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 short-term vacation rentals in single-family or two-family dwellings subject to the issuance of a use permit. Short-term 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 short-term 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 included as Condition of Approval number 7 in Exhibit A-1.

Maximum Rental Period

Maximum rental period allowed pursuant to Siskiyou County Code Section 10-6.1508(h)(2) for short-term vacation rentals is limited to no more than thirty (30) consecutive days. This requirement is itemized in Exhibit A-1 as Condition of Approval number 8 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 was inspected by the Siskiyou County Building Division on May 17, 2022, and Environmental Health on April 29, 2022. This requirement is itemized in Exhibit A-1 as Condition of Approval number 13 and made a part of this written staff report.

Accessory Uses

Pools, spas, saunas, and shared laundry facilities are public facilities and shall be subject to Health and Building Department review for compliance with State and local regulations for public pools pursuant to Siskiyou County Code, Section 10-6.1502(h)(4). This requirement is itemized in Exhibit A-1 as Condition of Approval number 15 and made a part of this written staff report.

Parking

Siskiyou County Code Section 10-6.1502(h)(6) requires one off-street parking space for the short-term vacation rental plus one additional space for each of the available sleeping rooms. Three sleeping rooms are within the proposed short-term vacation rental; therefore, a total of four (4) off-street parking spaces are required. Adequate off-street parking exists on the west side of the residence. This requirement is itemized in Exhibit A-1 as Condition of Approval number 9 and made part of this staff report.

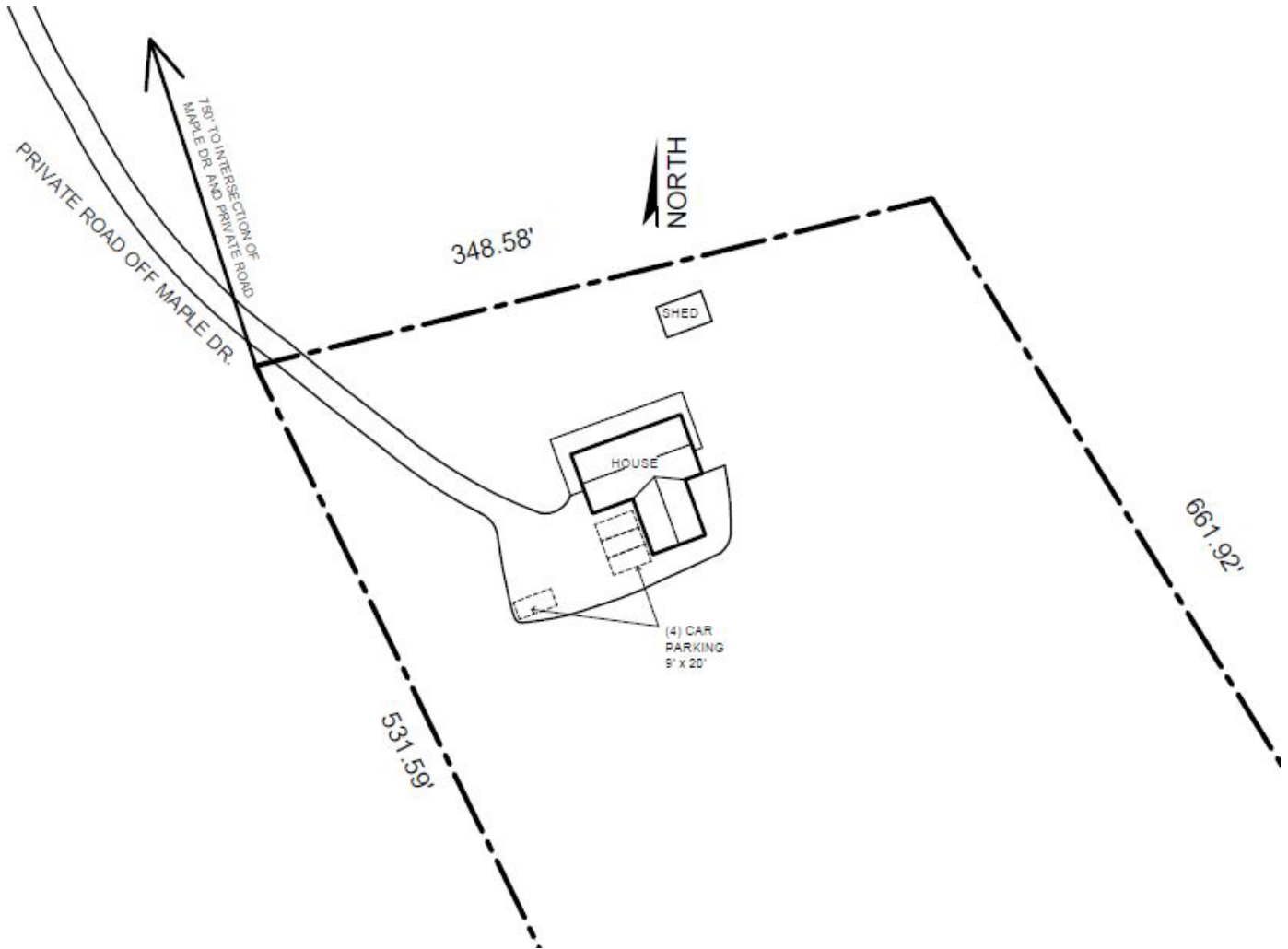


Figure 3: Site Plan

Property Owners Associations

Pursuant to Siskiyou County Code Section 10-6.1502(h)(8), the Planning Commission’s action shall consider the decision of duly recognized property owners associations concerning the establishment of vacation rentals within their jurisdiction. This property is not currently within the jurisdiction of a property owners association.

Occupancy

The single-family dwelling contains two (2) bedrooms and a loft that are proposed as sleeping rooms. The master bedroom is approximately 389 square feet, the adjacent first floor bedroom is approximately 147 square feet, and the loft is approximately 368 square feet. Based on available square footage of the three sleeping rooms, up to eighteen (18) guests could be accommodated at any one time in the proposed vacation rental. However, this figure is not within what is allowed by Siskiyou County Code Section 10-6.1502(h)(9), which limits occupancy of vacation rentals to a maximum of ten (10) guests at any one time. Additionally, this figure does not take into consideration the design capacity of the existing septic system. Therefore, based on the capacity of the existing septic system, Environmental Health has determined that the septic system is adequate to serve the residence with a

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maximum of four (4) persons total at any one time. An occupancy requirement for a maximum of four (4) persons is itemized in Exhibit A-1 as Condition of Approval number 2 and made a part of this staff report.

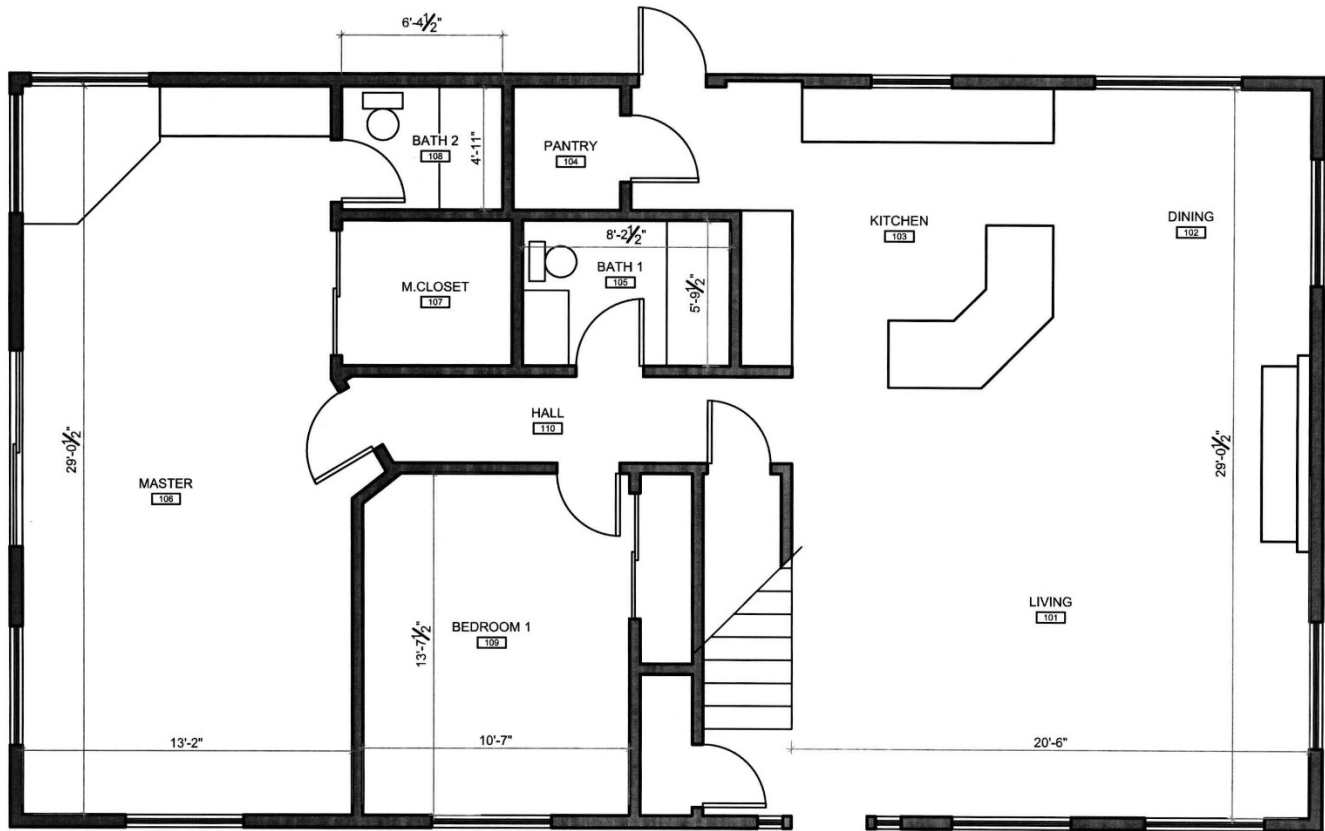


Figure 4: First Level

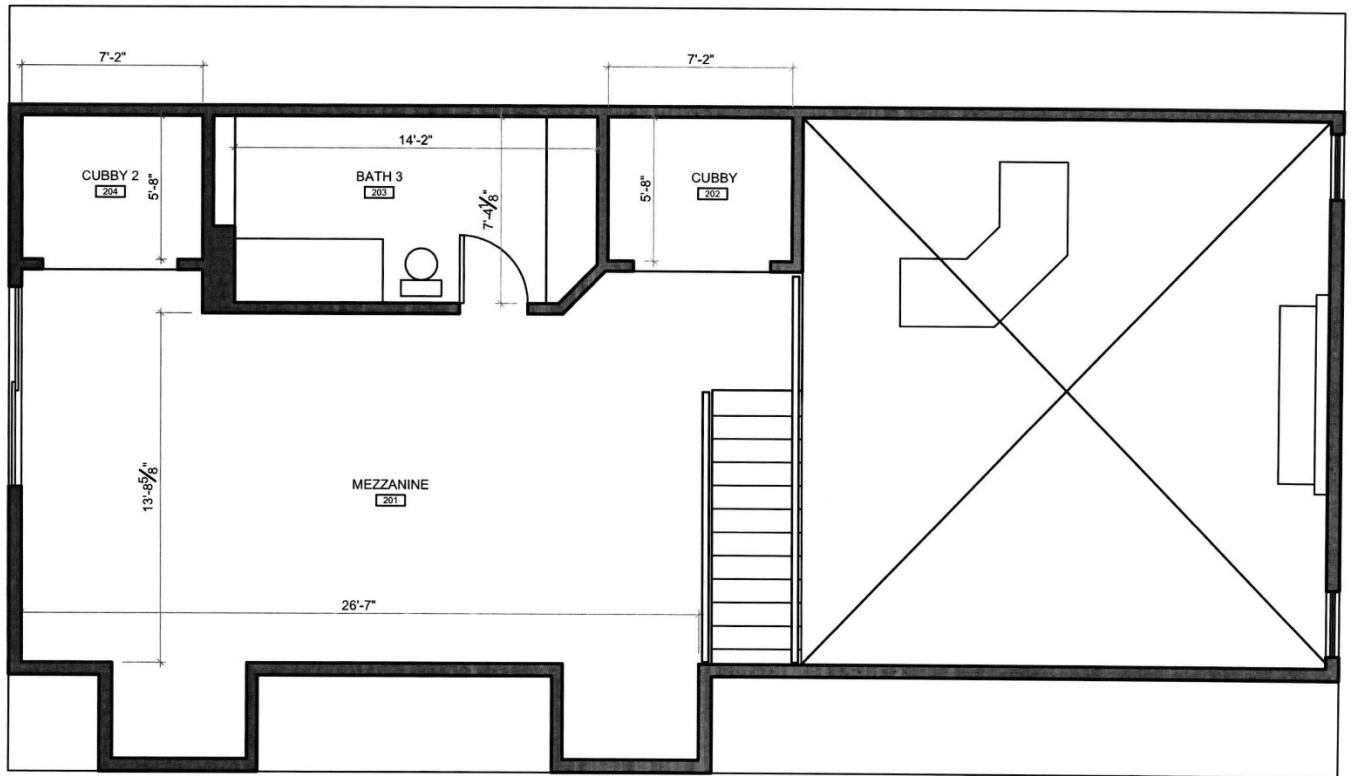


Figure 5: Second Level

Calls for Service History

Siskiyou County Code Enforcement – January 26, 2023

Within the past 12 months, a complaint was received for operating a short-term vacation rental without a permit. The owner has since complied with code enforcement and case #CR-22-0053 is now closed.

Siskiyou County Sheriff's Department – February 13, 2023

Within the past 12 months, no calls for service were received within the vicinity of the project site and associated with the residence.

Environmental Review

Staff recommends that the proposed project (i.e., use of an existing single-family dwelling as a short-term vacation rental) be determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 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 proposed project fits the Class 1 exemption because the existing home on site will be utilized for the short-term rental use. No expansion of the home is included in this proposal.

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

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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 March 1, 2023, and mailed to property owners within 300 feet of the subject property.

Public Comments

Pam and Bill Oakes – March 6, 2023

The email received indicates the neighbor is a proponent of the proposed short-term vacation rental and has no objections to their project.

Agency Comments

California Department of Forestry and Fire Protection (Cal Fire) – April 14, 2022

Comments were submitted regarding Cal Fire’s requirements for this project, specifically those pertaining to driveway design and surface requirements, addresses for buildings, fuel modification and standards as specified pursuant to Public Resources Code 4290.

Planning Response: Compliance with Cal Fire requirements to the satisfaction of Cal Fire and Siskiyou County Planning has been included as recommended Conditions of Approval number 17 for the project (see Exhibit A-1).

Siskiyou County Environmental Health Division – April 29, 2022

Environmental Health has reviewed the information related to the proposed short-term vacation rental and provided comments regarding requirements for garbage receptacles and trash removal, pool and spa facilities, and well and septic systems. Septic system is adequate for four persons.

Planning Response: Compliance with Environmental Health requirements to the satisfaction of Environmental Health has been included as recommended Conditions of Approval (numbers 12, 13, 14, 15, and 16) for the project (see Exhibit A-1).

Siskiyou County Building Division – May 17, 2022

The Building Division reviewed the information related to the proposed short-term vacation rental and performed an on-site inspection.

Planning Response: Compliance with the Building Code requirements to the satisfaction of the County Building Division has been included as recommended Conditions of Approval (numbers 13, 19, and 20) for the proposed project (see Exhibit A-1).

Planning Staff Recommendations

- Adopt Resolution PC 2023-007 taking the following actions:
 - Approve the Use Permit (UP-22-04) 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 15301, Class 1, *Existing Facilities*.

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Suggested Motion

I move that we adopt Resolution PC 2023-007, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Sinibaldi-Mendoza Use Permit (UP-22-04) 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:

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