

Siskiyou County Planning Commission
Regular Meeting
April 21, 2021

The Siskiyou County Planning Commission meeting of April 21, 2021 was conducted pursuant to California Governor Newsom's Executive Order No. N-29-20 dated March 17, 2020. Members of the public were allowed to participate in person and via teleconference.

The meeting was called to order by Chair Melo at 9:00 a.m.

Present: Commissioners Veale, Fowle, and Melo were present in the Board Chambers. Commissioner Hart appeared via teleconference

Absent: Commissioner Lindler

Also Present: Rick Dean, Community Development Director, Kirk Skierski, Deputy Director of Planning; Rachel Jereb, Senior Planner; Bernadette Cizin, Assistant Planner; 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 March 17, 2021, Planning Commission meeting as presented.

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

Unscheduled Appearances: None

Conflict of Interest Declaration: None

Presentation of Documents: None

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 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**New Business:****Agenda Item 1: Holman Use Permit (UP-20-20) / Categorically Exempt**

Proposed conditional use permit to convert an existing single-family dwelling, residential use, into a vacation rental. The project site is located at 233 Madison Drive in the community of Mount Shasta on APN: 037-170-230; Township 40N, Range 4W, Section 15 MDB&M; Latitude 41.315, Longitude -122.294.

Staff Report:

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

The Holmans are requesting use permit approval to allow short-term rental use of an existing single-family dwelling. The property is located on an approximately 4.94-acre parcel at 233 Madison Drive in the community of Mount Shasta. The two-story single-family dwelling is approximately 2,000 square feet with an attached garage located within the non-prime agricultural building district which allows short-term rentals upon issuance of a use permit. The project is consistent with the General Plan and zoning for its area. The dwelling passed inspections by the Building and the Environmental Health Departments. Three bedrooms are proposed as sleeping quarters and based on the square footage of these bedrooms, up to ten guests could be accommodated. However, because the septic system was designed for a maximum of six persons, the maximum permitted occupancy is six. Four parking spaces are required for this proposed rental which are in the garage and on the driveway. 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. No public comments were received before the Staff Report was written. Environmental Health, Cal Fire and the Treasurer-Tax Collector commented on this project regarding their requirements. Staff recommended determining the project categorically exempt and approving the use permit for this project.

**Categorically Exempt
Use Permit**

**Adopted
Approved**

Agency Input: None

The Chair opened the Public Hearing.

Public Input:

Ms. Carol Coho of Mount Shasta spoke in opposition of the project. She said on a recent night around 8:45 p.m., she was disturbed by the sound of what she thought were gunshots but were later determined to be fireworks coming from a vacation rental property up the hill from her property. She said on another occasion at another nearby vacation rental property, the guests were having target practice. She said the peace and quiet of the neighborhood is being

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adversely affected. Ms. Coho also expressed concerns about water shortages when large groups come and stay in the neighboring vacation rental properties.

Mr. Scott Bartle of Mount Shasta spoke in support of the project. Mr. Bartle has vacation rentals and screens the people who come to their location. He said the lots in the location of the Holman proposed vacation rental are zoned agricultural and believes farms use more water than residential housing.

Ms. Leslie Dugan of Mount Shasta spoke in opposition to the project. She has resided on Madison Drive since the neighborhood was first developed. The CC&Rs state the neighborhood is for residential or agricultural purposes only and that establishing a vacation rental disregards the CC&Rs. She said vacation rentals disturb the peace and quiet in the neighborhood, and they do not want their neighborhood doing business.

Ms. Nancy Oostenink of Mount Shasta spoke in opposition to the project. She said they bought property in the community because of the quiet and low density and feels they have had to give it up. She is upset that the use permit goes with the property. She was concerned about how to deal with trash, noise, and street parking, and wants a way to enforce the intent of the neighborhood.

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

Questions / Discussion by Commission:

Commissioner Melo disclosed that he visited the property.

Commissioner Fowle requested that County Counsel share the relationship among CC&Rs, County Code, and vacation rentals and enforcement. Mr. Carroll explained that the Planning Commission can consider a homeowners' association and its CC&Rs, but the CC&Rs are not binding on the Commission. It would be a private action between the HOA and the property owner if the use permit were approved and the HOA felt it was a violation of the CC&Rs. Mr. Skierski added that the County views vacation rentals as a residential use similar to home occupations and can occur within residential structures and residential zoning.

Discussion turned to the issue of discharging firearms on the property. After discussion, the Commissioners requested Staff to add a Condition of Approval stating that at any time a property is in use as a vacation rental, firearms or fireworks are prohibited upon the property.

Further discussion was held about CC&Rs.

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to Adopt Resolution PC-2021-009, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Holman Use Permit (UP-20-20) Determining the Project Exempt from CEQA, and with the addition of a Condition that at any time while the property is in use as a Vacation Rental, the use of Firearms or Fireworks upon the property is prohibited.

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Voted upon and the Chair declared the motion carried by a vote of three to one by those Commissioners present.

Agenda Item 2: Bullington Use Permit (UP-21-01) / Categorically Exempt

The project is a proposed conditional use permit to convert an existing single-family dwelling, residential use, into a short-term rental. The project site is located at 701 Hennessy Way in the unincorporated community of McCloud; APN 049-122-110; Township 39N, Range 3W, Section 1, MDB&M; Latitude 41.2591°, Longitude -122.1415°.

**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.

The Bullingtons are requesting use permit approval to allow short-term rental use of their existing 1,490-square-foot single-family dwelling located at 701 Hennessy Way in the community of McCloud. The parcel is approximately 0.16 acres and is within the single-family residential zoning district which allows short-term rentals upon issuance of a use permit. The project is consistent with the General Plan and zoning for its area. The property will be required to be managed by a Siskiyou County company or individual. Inspection by both Building and Environmental Health were passed for this property. The dwelling has two bedrooms which can accommodate a maximum of eight individuals, and three parking spaces are required which are available in the carport, driveway and supplemental gravel parking area adjacent to the driveway. This property is not within the jurisdiction of a property owners association at this time. 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 included in the staff report from a neighbor who opposed the project, and the Bullingtons responded to the comment after the staff report was written. Additionally, the property owner behind the Bullingtons' property submitted a comment in favor of the project. Comments received after the staff report were written were provided to the Commissioners prior to the meeting. Environmental Health, Cal Fire, Public Works and the Treasurer-Tax Collector commented on this project regarding their requirements which have been included as conditions of approval.

Agency Input: None

The Chair opened the Public Hearing.

Public Input: None

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

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Questions / Discussion by Commission:

After discussion, the Commissioners directed Staff to revise the conditions of approval to include language regarding firearms and fireworks not being allowed on the property while being used as a vacation rental.

A brief discussion was held about bears and lockable garbage cans.

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to Adopt Resolution PC-2021-008, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Bullington Use Permit (UP-21-01) Determining the Project Exempt from CEQA, and with the addition that at any time while the property is in use as a Vacation Rental, the use of Firearms or Fireworks upon the property is prohibited.

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

Commissioner Fowle directed Staff to start including boilerplate language on the conditions for vacation rentals regarding prohibiting the discharge of firearms and using fireworks.

Old Business:**Agenda Item 1: Berger Zone Change (Z-20-02) and Tentative Parcel Map (TPM-20-02) / Categorically Exempt**

The project is a proposed minor zone change from Non-Prime Agricultural, 40-acre minimum parcel size (AG-2-B-40), to Non-Prime Agricultural (AG-2) in order to facilitate a proposed tentative parcel map to split the existing 39.4-acre parcel into two new parcels (22.4 and 17.0 acres). The project site is located at 26538 Old Edgewood-Weed Road, west of the City of Weed on APN:021-121-560; Township 41N, Range 5W, Section 4, MDB&M; Latitude 41.435°, Longitude -122.422°.

**Categorically Exempt
Tentative Parcel Map
Zone Change**

**Recommending Adoption
Conditionally Approved
Recommending Approval**

Staff Report:

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

Ms. Jereb reminded the Commissioners that this project came before them at the November 2020 Planning Commission meeting. Ms. Berger is requesting approval of a minor zone change from non-prime agricultural, 40-acre minimum parcel size, to non-prime agricultural, which has a 10-acre minimum parcel size by default, in order to facilitate a tentative parcel map project to split her existing 39.4-acre parcel into two parcels of 22.4 and 17 acres. The subject parcel is located approximately one mile west of the city of Weed on Old Edgewood-Weed Road. During

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the November meeting, the project was continued to allow staff time to research and respond to concerns related to CEQA baseline, civil litigation and project density in addition to obtaining comments from the California Regional Water Quality Control Board and Department of Fish and Wildlife. Staff gave a presentation during the December 2020 Planning Commission to address CEQA baseline concerns. Staff requested comment from the California Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the California Department of Water Resources. Only Fish and Wildlife responded, and they provided a comment that simply reiterated their original comment. Staff researched civil litigation associated with the subject parcel and found that all litigation was directly related to an existing road easement north of Old Edgewood-Weed Road and roughly parallel to Ms. Berger's eastern property line. Concerns related to the existing 40-acre minimum parcel size zoning designation were researched, and Staff determined that the subject property was incorrectly identified as being within National Forest land on topographic maps and that State and Federal properties have historically been designated with the 40-acre minimum parcel size through the combining district. Agricultural properties east and south of the incorrectly mapped land were not given the same 40-acre minimum parcel size designation, and Staff determined that the application of the B-40 district was likely an error and had it not been identified as being within the Forest Service land, it would not have been assigned the 40-acre size restriction. The project is proposed to be exempt from CEQA pursuant to Section 15061(b)(3), the common-sense exemption, because there were no unusual circumstances or future activities which might reasonably result in this project having a significant effect on the environment. Staff recommended that the Commission conditionally approve the tentative parcel map portion of this project and recommending that the Board of Supervisors determine the project categorically exempt and approve the zone change for this project.

Agency Input: None

Commission Questions: Commissioner Fowle asked for clarification regarding whether or not public comment would be allowed. After discussion, it was decided to allow public comment.

The Chair opened the Public Hearing.

Public Input:

Mr. Fred Butcher of Weed spoke in opposition of the project. He stated his concerns were for the growth impact on the property. He believed an environmental impact study should be done on the mine that is still on the property. He said he was told that the piece of property being subdivided has been sold, and as an adjacent property owner who has a lien on the property in question, he would prefer to continue his battle with the current property owner instead of picking two more enemies. He does not believe the County and Planning Commission have done their due diligence in the past research.

Ms. Marilyn Berger, the applicant, spoke in support of the project. She stated there is not a mine on the property but rather it is the remnants of a slaughterhouse when Belcastros owned the property. She could only get a building permit on one site because there is water three feet underground so the ground is not sturdy enough on which to build a house and the septic would have had to be pumped uphill.

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

Questions / Discussion by Commission:

In response to Commissioner Fowle's question, Deputy County Counsel William Carroll confirmed that if there is a lien on the property, it does not apply to the property but applies to the person and the assets they own within the county.

Discussion was held about the Commissioners' concerns stated during the November meeting and that Staff researched the concerns and addressed them in the supplemental Staff Report packet presented at today's meeting.

Commissioners Hart and Fowle both reiterated their past requests that Staff include local agencies as well as State and Federal agencies when requests for comments are sent out.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Adopt Resolution PC-2021-010, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Conditionally Approving the Berger Vesting Tentative Parcel Map (TPM-20-02) and Recommend that the Siskiyou County Board of Supervisors Determine the Project Exempt from California Environmental Quality Act and Approve the Berger Minor Zone Change (Z-20-02) by Adopting the Draft Ordinance Rezoning 39.4 acres, APN 021-121-560, from AG-2-B-40 to AG-2.

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

Ayes: Commissioners Fowle, Veale, Hart and Melo

Noes: None

Absent: Commissioner Lindler

Abstain: None

At approximately 10:09 a.m., Chair Melo called for a break.

At this time, Commissioner Hart recused himself from hearing the Sirois Use Permit (UP-18-16) and disconnected from the meeting.

At approximately 10:15 a.m., Chair Melo resumed the meeting.

Agenda Item 2: Sirois Use Permit (UP-18-16) / 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).

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**Categorically Exempt
Use Permit****Not Adopted
Denied****Staff Report:**

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

Ms. Jereb reminded the Commissioners that this project was presented at the October 2020 meeting. The project applicant requested approval of a use permit to operate a recreational facility in order to allow for a single annual four-day music event during a single calendar year. The project site is approximately 20 miles northeast of the city of Weed on three 40-acre parcels that are zoned for residential uses. Adjacent parcels are large or very large and are also zoned rural residential and undeveloped. The project was continued to allow Staff time to research Commissioners' concerns about CEQA baseline, Cal Fire occupancy recommendations, Forest Service use permit requirements, parking, hazardous material spills, pre-event meeting, attendees, water tender staff licensing, and extreme fire conditions, in addition to obtaining comments from the California Regional Water Quality Control Board and Department of Fish and Wildlife, and to allow for a site visit by Commissioner Veale. Staff gave a presentation during the December 2020 Planning Commission meeting to address CEQA baseline concerns. Requests for comment were submitted to California Regional Water Quality Control Board, California Department of Fish and Wildlife and California Department of Water Resources. Only Fish and Wildlife responded, and they provided a comment that reiterated their original comment and offered an additional comment regarding the potential for Lake Lure to be within the range of the Cascades Frog. Cal Fire submitted a comment regarding their recommended occupancy for the project site, which they noted does not account for any potential access limitations to the site. Their recommendation was for a total occupancy of 550 people and a maximum of 250 vehicles. The Forest Service submitted examples of Forest Service road use permits which are required under Condition of Approval 9. The applicant team submitted a supplemental site plan that delineated the parking area and the number of parking spaces for each area. The total number of mapped parking spaces is 294, and they also submitted a second supplemental site plan which noted a setback from Lake Lure. A recommended condition of approval was added to address potential spills related to vehicles, and a requirement that a hazardous material response plan be included as part of the emergency plan was also included. Condition of Approval 16 was modified to include the requirement that the water tender be staffed by a licensed operator, and due to concerns related to wildland fires, Condition of Approval 19 was added to limit the timing of the event to not be held during red flag warnings or during forest closures. As far as adding Fruit Growers to the pre-meeting event, the applicant told Staff she felt it would not be appropriate that Fruit Growers be included in the pre-meeting event since they are not an agency. However, the applicant would be happy to have them notified of the project as a separate condition of approval which Staff believed would meet the intent of having them at that pre-project meeting. Planning Staff and Commissioner Veale conducted a site visit on November 4, 2020. 16 public comments were received for this meeting, 15 of which were in favor of the project including one from an adjacent property owner, and one was not in favor of the project. Another comment in opposition of the project was

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submitted just prior to the meeting beginning. Staff proposed that this project be found consistent with the General Plan and zoning for its area and to be exempt from CEQA pursuant to Section 15061(b)(3), 15301, 15303(d), 15303(e), 15304(e). Staff recommended determining the project categorically exempt and approving this use permit as the comments submitted by agencies were incorporated as recommended conditions of approval.

Agency Input: None

The Chair opened the Public Hearing.

Commissioner Fowle clarified that the public hearing was being reopened.

Public Input:

Mr. Terry Salvestro on behalf of Fruit Growers spoke in opposition to the project. He submitted public comment during the previous meeting. He said the concern was for the amount of people and vehicles accessing a narrow road and the risk of fire. He was concerned about having to shut down the event on short notice and then trying to get everyone out safely. He said there is no cellphone service there.

At the request of Mr. Scott Sumer of Yreka, who remained in opposition of the project, Ms. Jereb read the entirety of his comment dated April 19, 2021. In summary, Mr. Sumner stated that the use was not exempt under CEQA and ingress/egress were of concern. He further stated that the small parcels that were illegally subdivided half a century ago would exacerbate the issue.

Mrs. Susan Hart of Montague spoke in opposition of the project. She said the location was concerning because of the high fire risk. She urged the National Forest Service, Cal Fire, and other agencies along with private property owners and the County to work together to protect the resources in Siskiyou County.

Ms. Lisa Sirois, the project applicant, spoke in support of the project. She described the purpose of their music festival. She said vehicular access is limited to the timeframe between June and October because of snowpack. She wanted to assure everyone that they would do their best to hold the event during the time of year when the snow has recently melted which would reduce the risk of fire danger. They have a strict no-smoking policy and a ban on fires. They have cellphone service and Wi-Fi. She believes the impact of the one weekend per year event is less than the impacts of logging and ranching. Past events have brought money to the county in the form of creating jobs and bringing tourists to the area who spend money. They have dedicated their lives and money to holding the event.

Mr. Zuriah Shara of Mount Shasta spoke in support of the project. He said there is cellphone service in the area. He said the applicants have put a lot of effort into making their property as fire safe as possible, and they widened the road to allow for cars to travel in each direction. He said festival goers are respectful to the land and are not your typical partiers. The event draws people from all over the country as well as from out of the country, and they support local businesses. He said the property is in a canyon and sound does not travel outside the canyon.

Mr. Martin Madar of San Clemente spoke in support of the project. He believes everyone who attends the event is responsible and know how to behave. He said attendees spend money for hotels, meals and support the community.

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Ms. Nancy Hutchison of Ashland, Oregon, spoke in support of the project. She said the applicants have some of the most organized events in Northern California. She said there is plenty of room for camping around the lake and everyone respects the land. There is a strict no-smoking policy and a pack-it-in and pack-it-out trash policy. The events are family oriented.

Ms. Anne Marsh of Etna spoke in opposition to the project. She does not believe the common-sense exemption of CEQA Section 15061(b)(3) can be applied and a more diligent environmental review should have been done. She said she would adamantly oppose the project if it were in here area of the county not only for the fire danger, but also because of other conditions that were not evaluated during what she considered a non-environmental review.

Mr. Jason Pavao of San Rafael spoke in support of the project. He has been friends with the applicants for a long time. He had never been to this area and probably never would have been if it were not for the festival. He purchases gas, food and goes to the local hot springs. He said the applicants are stewards of the land.

Mr. Laird Archer of San Francisco spoke in support of the project. He believes the event can be held within the required guidelines.

Mr. Zach Schneeman of Mount Shasta spoke in support of the project. He has assisted the applicants for the past several years on clearing the land. He also makes t-shirts and has sold them at past events.

Ms. Holly Catarancuic of Hayfork spoke in support of the project. She said when she has attended past events, they're transformative and healing and hopes they will be allowed to continue.

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

Questions / Discussion by Commission:

Discussion was held about what happens when the Forest Service shuts down their land, and they can shut down the roads thus preventing access to the property through Forest Service roads.

Discussion was held regarding which National Forest Service office would issue a road permit and who the contact person would be.

Commissioner Veale said his opinion had not changed and that he is still not in favor of approving the use permit since the last time it was before the Commission nor after visiting the project site. He said he thinks it is the wrong event in the wrong place. 500 people might not be so responsible and maybe through no fault of their own, they might set the forest on fire. He also said it would be dangerous to try to get people out in a hurry on the road in and the road out of the project site. He thinks the event is better suited for a location that has open space and paved roads.

Commissioner Fowle said the risk of fire is too high. The County does not have the staff to have personnel on the project site during the event to make sure the rules are being followed. He said the wind currents are such that it would not take much to turn that side of Mount Shasta

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into a Paradise fire in a matter of minutes. Commissioner Fowle also said that the event was not appropriate for the area and would create a significant risk to public and private safety, and that if he approved the project and a fire happened sometime in the future, he would not be able to live with his decision to approve it. He believes that if the Federal forests had been managed properly, he might see the project a little differently. However, for himself it is a finding of public safety specifically related to risk of fire to public and private property, as well as the limited standard of ingress/egress in case of emergency such as a catastrophic wildfire.

Discussion was held about how to word the motion denying the application.

Chair Melo said he was a former firefighter and knows that fire is unpredictable. With the combination of fuel, oxygen and heat, you can only control the fuel and he agreed with Commissioner Fowle that poor forest management has increased the fuel. He also thought the event would benefit the County, but especially with the drought, the risk of fire is much greater.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to deny the Sirois Use Permit (UP-18-16) and determine that the denial is in relation to public safety concerns and fire risk to public and private property, including quality of ingress/egress routes.

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

Items for Discussion/Direction: None

Miscellaneous:

1. **Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, May 19, 2021.
2. **Correspondence:** None
3. **Staff Comments:** Mr. Dean advised the Commissioners that Staff received direction from the Board of Supervisors to put in place a moratorium on vacation rentals County wide for parcels less than 2.5 acres for a period of 18 months. During this time, the County will be working on updating the Housing Element to gain information to better address vacation rentals County wide. Discussion was held regarding in what parts of the County the 2.5-acre minimum would apply.
4. **Commission Comments:** Commissioner Fowle requested Staff to make it official that local offices of agencies such as California Department of Fish and Wildlife, Cal Fire, are noticed on projects along with the State and Federal offices of those agencies.

Upon Commissioner Fowle's question regarding whether it would be possible to make vacation rental use permits become void if the property owner sells the property,

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discussion was held that it could be included in the future when the moratorium is put in place as well as when the Housing Element is updated.

Commissioner Fowle shared that after numerous calls to local and State agencies about some illegal marijuana grows up French Creek, California Department of Fish and Wildlife will be the lead agency to take action. Thus, this may be another venue to pursue illegal marijuana grows in the County when there is a potential threat to multiple listed species, water and erosion.

Discussion was held about the rampant illegal marijuana grows occurring in the County.

Adjournment: The meeting was concluded at 11:36 a.m.

Respectfully submitted,

Signature on file

Kirk Skierski
Secretary

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