

Siskiyou County Planning Commission
Regular Meeting
September 15, 2021

The Siskiyou County Planning Commission meeting of September 15, 2021, was conducted pursuant to California Governor Newsom's Executive Order No. N-08-21, Section 42, dated June 11, 2021. Members of the public, the Commissioners, and Planning Staff were allowed to participate via teleconference.

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

Present: Commissioners Veale, Fowle and Melo

Absent: Commissioners Lindler and Hart

Also Present: Rick Dean, Community Development Director; Kirk Skierski, Deputy Director of Planning; Rachel Jereb, Senior Planner; Bernadette Cizin, Assistant 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 August 18, 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, 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**New Business:****Agenda Item 1: Papazian Use Permit (UP-21-10) / 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 8936 Blue Jay Lane in the unincorporated area adjacent to the City of Weed; APN 021-530-510 Township 41N, Range 5W, Section 15, MDB&M; Latitude 41.397°, Longitude -122.408°.

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Gray. She told the Commissioners that the project applicant is requesting use permit approval to allow short-term rental use of her existing single-family dwelling. The 1,689 square-foot dwelling sits on a five-acre parcel and is within the Rural Residential Agricultural, five-acre minimum parcel size (R-R-B-2) zoning district which allows for 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 both the Building Division and Environmental Health Division with a condition of approval for receipt of a Certificate of Final Occupancy and Compliance for an unpermitted deck, spa, wood-heated sauna and an outdoor shower area. The dwelling has two bedrooms in which up to six persons could be accommodated. However, because of the design of the septic system, a maximum of four persons will be allowed. The three required parking spaces are in the driveway.

The project is proposed to be exempt from CEQA per Section 15301, 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 after the staff report was written, and a copy was provided to the Commissioners before the meeting. Environmental Health, Building Division and Cal Fire commented regarding their requirements which are included in the recommended Conditions of Approval. Staff recommends determining the project categorically exempt and approving the use permit.

**Categorically Exempt
Use Permit****Adopted
Approved****Agency Input: None****Commission Questions: None**

The Chair opened the Public Hearing.

Public Input: None

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

Commission Discussion: None

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Adopt Resolution PC2021-021, A Resolution of the Planning

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Commission of the County of Siskiyou, State of California, Approving the Papazian Use Permit (UP-21-10) and Determining the Project Exempt from CEQA.

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

Agenda Item 2: Surface Mining and Reclamation Ordinance Update (SMARA Ordinance Z-21-09) / Categorically Exempt

The project encompasses all parcels in the unincorporated area of Siskiyou County, California. 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. The project is a proposed amendment to the County's Surface Mining and Reclamation Ordinance in order to update the Enforcement Section (Sec. 10-5.117) to be consistent with California Public Resources Code. The County adopted the current version of its Surface Mining and Reclamation Ordinance back in 2015. However, the State of California has amended Public Resources Code, which regulates surface mining and reclamation, to allow for an extended period for appeals. The proposed amendment will ensure the County's Ordinance is consistent with the regulations of the Surface Mining and Reclamation Act (SMARA). The Planning Commission shall review and forward its recommendation to the Board of Supervisors who will be the final review authority of the proposed Ordinance update.

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Mr. Skierski. He told the Commissioners that the project is a simple, straightforward update to the County's SMARA ordinance. He explained that the State of California delegates local governments to regulate surface mining operations in their jurisdiction along with reclamation activities once mining is complete. The County's current ordinance was adopted back in 2015, and since then the State has revised legislation pertaining to surface mining and reclamation. The County had specific timeframes for hearings and appeals which are no longer consistent with the new changes to State law. The update would identify that if enforcement were needed for the County's surface mines, the County would move forward with enforcement in line with the Public Resources Code or the State's legislation for surface mining and reclamation. Mr. Skierski told the Commission that the Planning Commission would be forwarding a recommendation to the Board of Supervisors who will be the final reviewing authority for the update.

**Categorically Exempt
Zone Change**

**Continued
Continued**

Agency Input: None

Commission Questions/Discussion:

Commissioner Fowle asked for an example of the procedure for a violation under the proposed ordinance update. Mr. Skierski said when mines are inspected, the County will document any violations to the use permit or the reclamation plan and give the mine operator the ability to

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correct the violation. If the violation continues, it is documented in the inspection report and the mine operator would not be able to sell aggregate to government agencies. The County would then move forward with procedures similar to a Notice to Comply and outline what needs to happen and provide deadline dates. If violations continued, the County would proceed to take action through the court system.

Discussion was held that the Planning Commission was not included as part of the appeal process. The Commission requested that staff return with clarification that if the Planning Director were to revoke a use permit as a result of violation of reclamation, the individual can go before the Planning Commission to rectify it, or they go before the Planning Commission to appeal it before it goes to the Board of Supervisors.

The Chair opened the Public Hearing.

Public Input: None

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

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to table the Surface Mining and Reclamation Act Ordinance Update (SMARA Ordinance Z-21-09) to the October 20, 2021, Planning Commission meeting to allow Staff time to include Commissioner comments and return with an amended Amendment.

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

Old Business: None

Items for Discussion/Direction: None

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, October 20, 2021, at 9:00 a.m.
- 2. Correspondence: None**
- 3. Staff Comments:** Community Development Director Rick Dean announced that Deputy Director of Planning Kirk Skierski tendered his resignation effective September 22, 2021.
- 4. Commission Comments:**

Commissioner Veale said he hopes the County can take advantage of federal funds being made available for community planning.

Commissioner Fowle reiterated Commissioner Veale's remarks about the County taking advantage of federal funds for community planning.

Commissioner Fowle said he heard about a property that has been operating as a wedding venue and asked if it was true that Code Enforcement and the Board of

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Supervisors took some action on it instead of the Planning Commission. County Counsel William Carroll responded that there is a Code Enforcement case filed in Superior Court regarding a wedding venue property. The County alleged there is a violation of the zoning ordinance without a conditional use permit and a violation of the Williamson Act Contract property preserve rules. The property in question is among other properties in which Williamson Act contracts are being recommended to the Board for non-renewal. Discussion was held about the proper process that should have been followed by the property owners of the wedding venue.

Commissioner Fowle asked about the JH Ranch project, and Mr. Dean advised him that there is a new representative for JH Ranch who has stepped in and will try to move the project forward.

Adjournment: The meeting was concluded at 9:39 a.m.

Respectfully submitted,

Signature on file

Richard J. Dean
Interim Secretary

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