

Siskiyou County Planning Commission
Regular Meeting
May 18, 2022

The Siskiyou County Planning Commission meeting of May 18, 2022, was called to order by Chair Lindler at 9:00 a.m. in the Board of Supervisors Chambers, 311 Fourth Street, Yreka, California.

Present: Commissioners Melo, Fowle, Veale and Lindler

Absent: Commissioner Hart

Also Present: Rick Dean, Director, Community Development Department; Hailey Lang, Deputy Director of Planning; Rachel Jereb, Senior Planner; Bernadette Cizin, Assistant Planner; Shelley Gray, Assistant Planner; William Carroll, Deputy County Counsel; Natalie Reed, Assistant County Counsel; Janine Rowe, Clerk

Minutes: The Minutes from the April 20, 2022, Planning Commission meeting will be submitted for approval at the June 15, 2022, meeting.

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). She directed interested individuals to contact the County Clerk's Office for information. She 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.

Changes to the Agenda: None

Old Business: None

New Business:

Agenda Item 1: Lopez/Garcia Use Permit (UP-21-32) / Categorically Exempt

The project is a proposed Conditional Use Permit to allow a short-term vacation rental use within an existing single-family dwelling. The project site is located at 1614 Laura Marie Lane in Mt. Shasta, CA on APN 036-090-500; Township 40N, Range 4W, Section 8, M.D.M.; Latitude 41.1940°, Longitude - 122.2034.

**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. Gray.

Ms. Gray told the Commissioners that the applicants were requesting approval of a use permit to allow their 2,054-square foot, four-bedroom, single-family dwelling to be used as a vacation rental. The property is in the Rural Residential zoning district which allows short-term rentals with a use permit, and it is consistent with the General Plan. All four bedrooms are proposed as sleeping quarters. The septic system will allow up to eight guests. The five required parking spaces are located on the driveway and on the north and south side of the residence.

Ms. Gray said that Environmental Health, Building, and Cal Fire commented regarding their requirements. The project is proposed to be exempt from CEQA.

Agency Input: None

Commission Questions: None

The Chair opened the Public Hearing.

Public Input:

Mr. Bob Hawkins of Mount Shasta said he lives adjacent to the project and did not receive any notification. Ms. Gray said that the Notice of Public Hearing was published in the Siskiyou Daily News on May 4, 2022, and the Notice was mailed to property owners within 300 feet of the project property on May 2, 2022. Mr. Hawkins said there is a property on the other side that is not permitted as a vacation rental and there have been discussions with the County over that for years because of traffic and road maintenance. He said he is the one who maintains the road, and there are multiple dead trees on the property. He said he did not find out about the process until the night before.

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

Commission Questions/Discussion:

Commissioner Fowle wanted to know if the parcel is larger than 2.5 acres because the staff report says it's approximately 2.51. Ms. Gray said the information was obtained from the County Assessor's office which says the parcel is 2.51 acres. Discussion was held about using the word "approximately" and Ms. Jereb said the term is used if there is no recent survey on the property.

Chair Lindler said when she was first appointed to the Commission, Mr. Hawkins contacted her about a landowner on the same street as the subject project who was advertising as vacation rental. She

wanted to know if staff sent notice to Mr. Hawkins, and Ms. Gray said she did not have access to the list at that time. Chair Lindler said Ms. Hawkins has been concerned about noise, trespassing and speeding vehicles.

Chair Lindler explained to Mr. Hawkins that the role of the Planning Commission is to review the project and make sure it's compliant with the standards and codes. If it is, then the project is approved. Projects can be appealed which then go before the Board of Supervisors.

Motion: Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Veale, to Adopt Resolution PC 2022-010, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Lopez-Garcia Use Permit (UP-21-32) and Determining the Project Exempt from CEQA.

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

Agenda Item 2: Timberhitch Quarry (SP-22-01) / Categorically Exempt

The project site is located within Butte Valley, a quarter-mile east of State Highway 97, and one mile south of Little Shasta/Ball Mountain Road on APNs 011-250-170 and 011-280-290; Township 45N, Range 2W, Sections 11,12 and 14 MDB&M; Latitude 41.594°, Longitude -122.407°.

**Categorically Exempt
Use Permit**

**Continued
Continued**

Staff Report:

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

Ms. Cizin told the Commissioners that the project is a request by the Siskiyou County Community Development Department, which oversees the Surface Mining and Reclamation Act (SMARA), to determine whether Butte Creek Minerals, Ltd., which is the operator of Timberhitch Mine, is financially incapable of completing reclamation of the surface mine site. The site is located in a mostly agricultural area and was utilized prior to the ratification of SMARA. The most recent mining operation was conducted by Butte Creek Minerals Ltd. with Cliff McMillan III as president of the corporation as well as the mine operator. The property is owned by the Williamsons, but the mineral rights are owned by Butte Creek Minerals. Ms. Cizin said that County staff and personnel from the State Division of Mine Reclamation (DMR) visited the site on May 12, 2022.

At this point, Ms. Cizin gave a PowerPoint presentation showing current site conditions and to provide an idea of what would be required to reclaim the site.

Agency Input: None

The Chair opened the Public Hearing.

Public Input:

Mr. Jack Williamson of Macdoel, one of the landowners, said the prior use permit is old and would like to see it terminated if the reclamation is completed.

At this point, Chair Lindler called for a recess to allow the Commissioners to review comments that were received at the last minute.

The meeting went off the record at 9:30 a.m.

The Chair called the meeting back on the record at 9:40 a.m.

James Buchal of Portland, Oregon, is the attorney for Clif McMillan IV. Mr. Buchal urged the Planning Commission to reject the resolution because it says that Mr. McMillan is financially incapable of completing the reclamation, but there is an injunction sought by the Williamsons which prevents them from doing so. Mr. Buchal said it could be worked out if a common understanding could be reached of what needs to be done. He said Mr. McMillan has a different attitude about working with the County than his father did and asked the Commission to table the project to give Mr. McMillan a chance to get the job done.

Mr. Clif McMillan of Klamath Falls said he was present to put a face behind Butte Creek Minerals as someone who is willing to do the reclamation and put it behind him. He said he is in charge of his father's estate and is more than willing to take care of things. He asked the County to postpone the matter until an agreement could be reached and to figure out exactly what needs to be done.

Chair Lindler asked Counsel how that would work since Butte Creek Minerals has been dissolved as a legal entity. Mr. Carroll said under California statutes, responsibility falls to the shareholders if any remain and assets are distributed to them.

Discussion was held about the responsibility for paying for cleanup and reclamation. Commissioner Fowle pointed out that the County is responsible because of SMARA.

Discussion was held regarding the fees that are owed for reclamation.

Mr. Buchal said they have been prevented from performing reclamation, but they would like to sit down with County staff in order to come to an understanding that the ½ acre can be cleaned up over the summer and sell the mineral rights deed.

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

Commission Questions / Discussion:

Commissioner Fowle talked about when the use permit was originally granted. He said Mr. McMillan IV now holds the deed to the mineral rights and Mr. Williamson holds everything else. The ½-acre area has topsoil, which was stockpiled, and the County has identified that once that is leveled out, the details of the reclamation plan will be met as far as materials are concerned. Commissioner Fowle said his understanding is that the County's concern is that the ½ acre, plus or minus, needs to be evenly distributed and reseeded according to the use permit issued in 1993 to the satisfaction of the California Department of Fish and Wildlife.

Commissioner Fowle said that per the conditions of the mineral grant, number 5 states that the holder of the mineral grant deed, which is McMillan, has the right to keep the equipment and refined materials on the property as long as it is within the designated area shown on the maps. Discussion was held regarding incidental storage of machinery.

Ms. Reed said the deed is between private parties, but the County's focus is on the reclamation plan. The Planning Commission's role is to look at whether the operator has provided the financial assurances that the lead agency has determined are necessary in order to reclaim the property. Discussion was held that the County is responsible for reclamation of the designated area which is

roughly ½ acre in size, and Commissioner Fowle wanted clarification whether or not the FACE represents an accurate cost to take care of the roughly ½-acre of stockpiled topsoil/spoils.

Discussion was held regarding the FACE and that it was created in 2013. Mr. Dean said after visiting the site with Public Works, the cost to move the dirt and remove equipment would now be about \$13,000 if the work were done internally.

Through the Chair, Ms. Cizin wanted to clarify that the ½ acre of disturbed area being referred to would change because the piles have to be redistributed which would cause more disturbed area that has to be reseeded.

Revegetation was discussed and Ms. Cizin said staff plans to seek advice from California Department of Fish and Wildlife. Ms. Cizin said when the site visit was performed, a botanist from the Department of Mine Reclamation was present.

Mr. Carroll wanted to note that in light of staff discussions that morning regarding a revised proposed FACE amount of \$13,000, the Commission might want to continue the matter to see if the interested parties can agree to that amount.

Mr. Buchal was given permission to speak again, and he said they would like a chance to work out what has to be done. He said he thought they could get it done without having to involve the County, and he thought it would be appropriate to continue the matter.

Through the Chair, Mr. Dean told the Commission that the Department is responsible for SMARA. The mine site is out of compliance and reclamation needs to occur, and the Commission's purpose is to determine whether or not the operator has the ability to pay for and perform the reclamation. If the finding is made that the original operator, who is deceased, does not have the ability to reclaim the property, the heir has 60 days to take care of that per SMARA regulations.

Discussion was held regarding whether or not the three parties (Williamson, McMillan and the County) could agree to the FACE amount once it's clarified by County staff and come up with a timeline for accomplishing the reclamation within 30 days.

Mr. Buchal said if the Commission continues the matter, he will file a motion in the civil matter and request that the court give permission for Mr. McMillan to do what the County requires for reclamation.

Discussion was held regarding the FACE approval process through the County and DMR and that the mine operator can proceed to reclaim without waiting for DMR approval.

Discussion was held that the matter would be continued to the next Planning Commission meeting on June 15, 2022.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to continue the Timberhitch Quarry (SP-22-01) project to the June 15, 2022, Planning Commission meeting.

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, June 15, 2022, at 9:00 a.m.
2. **Correspondence: None**
3. **Staff Comments: None**
4. **Commission Comments:**

Commissioner Veale asked Staff what the Planning Department could do to help with marijuana eradication. Mr. Dean responded that there is presently one vacancy in Code Enforcement, which they are trying to fill, and the CAO approved the Sheriff's Department to appoint one deputy to act as their own code enforcement officer.

Commissioner Fowle said he saw a post on social media (which he wanted noted that he calls it "trashbook") regarding the Menne Zone Change and Boundary Line Adjustment. Mr. Dean said there was a lot of misinformation circulating about the project, but there were no changes to the project after it was heard and approved by the Planning Commission and then heard and approved by the Board of Supervisors. The project was essentially a boundary line adjustment involving 2 parcels and a zone change on 2 acres because of incorrect mapping in the Scott Valley Area Plan.

Adjournment: The meeting was concluded at approximately 10:50 a.m.

Respectfully submitted,

Signature on file

Hailey Lang, Secretary