

Siskiyou County Planning Commission
Regular Meeting
January 17, 2024

The Siskiyou County Planning Commission meeting of January 17, 2024, was called to order by Chair Lindler at approximately 9:00 a.m. in the Board of Supervisors Chambers, 311 Fourth Street, 2nd Floor, Yreka, California.

Present: Commissioners Hart, Melo, Fowle, Veale and Lindler

Absent:

Also Present: Rick Dean, Director, Community Development Department; Hailey Lang, Deputy Director of Planning; Bernadette Cizin, Associate Planner; Dan Wessell, Deputy Director of Environmental Health; William Carroll, Deputy County Counsel

Election of Officers:

Chair:

Motion: It was moved by Commissioner Melo, seconded by Commissioner Veale, to elect Commissioner Fowle as Chair for 2024.

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

Vice Chair:

Motion: It was moved by Commissioner Hart, seconded by Commissioner Melo, to elect Commissioner Lindler as Vice Chair for 2024.

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

Minutes: It was moved by Commissioner Veale, seconded by Commissioner Hart, to approve the Minutes from the December 20, 2023, Planning Commission meeting.

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

Unscheduled Appearances:

Melissa Cummins, Executive Director of the Siskiyou County Local Transportation Commission (LTC), provided an overview of the Active Transportation Plan. Their goal is to identify and prioritize transportation infrastructure projects to meet the needs of the community. She invited people to visit the Siskiyou County LTC website and take their survey.

Conflict of Interest Declaration:

Commissioner Hart declared a conflict of interest regarding the Brown's Quarry Reclamation Plan Amendment (RP-03-03-1M) and Use Permit Amendment (UP-03-12-1M).

Presentation of Documents, Availability of Public Records, and Public Hearing

Protocol: The Vice Chair asked those members of the public attending the meeting to review these items on the Agenda.

Rights of Appeal Statement: The Vice Chair directed those present to review the Right of Appeal Statement contained in the Agenda.

Changes to the Agenda:

In light of Commissioner Hart's conflict with the Brown's Quarry Reclamation Plan Amendment / Use Permit Amendment (UP-03-03-1M / UP-03-12-1M) and after discussion by the Commission, Vice Chair Lindler moved that project the end of the Agenda following Agenda Item 5 (Draft Vacation Rental Zoning Code Ordinance).

New Business:

Agenda Item 1: Thamer Tentative Parcel Map Time Extension Request (TPM-21-01-1M)

The project site is located north of the community of Callahan on Highway 3 on APNs: 031-020-360, 031-020-420, 031-220-370, 031-220-490, 031-220-510, and 031-220-520; Township 40N, Range 8W, Section 7 and Township 40N, Range 9W, Section 12; MDB&M; Latitude 41.332°, Longitude - 122.820°. The applicant is requesting approval of a 12-month time extension to the Thamer Tentative Parcel Map Project (TPM-21-01) which was approved by the Planning Commission on December 15, 2021.

Tentative Parcel Map Time Extension

Approved

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 Commission that the applicant requested a 12-month extension to complete the tentative parcel map that was approved by the Planning Commission on December 15, 2021, because the Conditions of Approval had not yet been met which delayed the filing of the final map. Ms. Cizin said a subdivider may request an extension of the approved map by written application per County code and that upon the submittal of the request, the Government Code automatically extends the expiration date by 60 days. Mr. Thamer submitted his application for an extension before the December 15, 2023, expiration date which extended the deadline to February 13, 2024. Ms. Cizin said should the Commission approve the extension request, the new expiration date would be January 17, 2025.

Ms. Cizin said no comments were received at the time the Staff Report was written.

Ms. Cizin concluded by saying it was Staff's opinion that the time extension is not a project as defined in Section 15378 of the CEQA guidelines; therefore, it is not subject to CEQA pursuant to Section 15060(c)(3).

Agency Input: None

The Vice Chair opened the Public Hearing.

Public Comments:

Mr. Dan Wallace of Montague said he is the surveyor on the project and available to answer questions.

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

Commission Questions/Discussion: None

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Adopt Resolution PC 2024-001, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Project is Not Subject to the California Environmental Quality Act and Extend the Thamer Tentative Parcel Map (TPM-21-01) to January 17, 2025.

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

Agenda Item 2: Cales Boundary Line Adjustment (BLA-23-16) / Categorically Exempt

The project site is located at 5330 Browndeer Road in the community of Lake Shastina on APNs: 106-430-390 and 106-430-310; Township 42N, Range 5W, Section 1, MDB&M; Latitude 41.514°, Longitude -122.378°. The applicant is requesting Boundary Line Adjustment approval to merge two existing parcels in to one 0.95-acre parcel with frontage to Browndeer Road, Fawnskin Place and Lake Shore Drive.

**Categorically Exempt
Boundary Line Adjustment**

**Adopted
Approved**

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 Commission that the applicant wanted to merge two existing parcels in Lake Shastina which would result in one .95-acre parcel. The standard process for minor boundary line adjustments is approval by the Planning Director, but because the resultant parcel would result in triple frontages to Browndeer Road, Fawnskin Place, and Lake Shore Drive, Siskiyou County Code Section 10.4.105.3 states that no lot shall have double frontage unless approved by the Planning Commission.

Ms. Cizin said the project is consistent with the General Plan and zoning for its area and that the project is exempt from CEQA pursuant to Section 15305(a) since it is a minor lot line adjustment which would not result in any new parcels.

Ms. Cizin said the Lake Shastina Property Owners Association commented that they had no objection to the project. No public comments were received.

Ms. Cizin said Staff recommended that the Planning Commission adopt the categorical exemption and approve the Boundary Line Adjustment.

Agency Input: None

Commission Questions:

The Commission discussed what would preclude them from not approving the Boundary Line Adjustment which would be a threat to public health and safety, non-compatibility, and going against the General Plan. Commissioner Fowle added that he still doesn't believe boundary line adjustment projects should be heard by the Planning Commission regardless of whether or not there would be multiple frontages resulting from merging parcels.

The Vice Chair opened the Public Hearing.

Public Comments: None

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

Commission Discussion: None

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to Adopt Resolution PC 2024-002, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Determining the Cales Boundary Line Adjustment (BLA-23-16) exempt from the California Environmental Quality Act and Approving the Project.

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

Agenda Item 4: Golden Eagle Charter School Use Permit (UP-23-08) / Addendum to Certified Mitigated Negative Declaration

The proposed project will rescind the existing use permit (UP-96-03) and create a new use permit (UP-23-08). The existing use permit includes allowance of an existing school in conjunction with existing church facilities. The current permitted occupancy is 60 students and staff. The new use permit (UP-23-08) will forgo church operations but will increase the permitted occupancy to 252 students and 35 staff. An additional modular classroom is proposed as part of this proposal, totaling 960 square feet, and an additional school building is proposed as part of this proposal, totaling 23,800 square feet. The existing school is approximately 8,150 square feet and the existing modular classroom is approximately 1,920 square feet. The project site is located at 1030 W A Barr Road in Mount Shasta (APN: 036-230-361).

There is an adopted Mitigated Negative Declaration (MND) (State Clearinghouse No. 1996052035 and State Clearinghouse No. 1996104248) for the previously approved project, And Staff has prepared an Addendum to the MND pursuant to CEQA Guidelines Section 15164 because the proposed project changes only include minor technical changes. The Planning Commission will consider the proposed project and the proposed Addendum at the public hearing. If substantial evidence has been presented demonstrating a more appropriate environmental determination than the one that has been recommended, the Planning Commission may require and/or approve an alternative environmental determination pursuant to the requirements of the California Environmental Quality Act.

**Addendum to Certified Mitigated Negative Declaration
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. Lang.

Ms. Lang presented a PowerPoint presentation to the Commission.

Ms. Lang said the proponents want to rescind the existing use permit (UP-96-03) and create a new use permit that would allow the existing school to increase the capacity from 60 students to 225 students and 35 staff. There is an existing 8,150 square foot building and a 1,920 square foot modular classroom, and the proposal includes the addition of a 23,800 square foot building and a 960 square foot modular classroom. Additionally, the project description includes abandoning the existing onsite septic system and connecting to the Lake Siskiyou Mutual Water Company system. The project site is broken up into two zones—Neighborhood Commercial (C-U) and Single Family Residential (Res-1).

Ms. Lang said there were two previous use permit approvals, one in 1994 (UP-94-15) that allowed a portable building for classrooms and the other in 1996 (UP-96-03) that allowed for a private K through 8 facility for up to 60 students in conjunction with an existing church. She said one of the conditions of approval for that permit mentioned that if the church operations ceased, school operations would cease which is why the use permit is being rescinded and a new use permit is being proposed which includes the operation of the school not integrated with a church or religious facility.

Ms. Lang said the approved occupancy was analyzed in the Mitigated Negative Declaration (MND) that was certified by the County in July 1996, and the proposed occupancy will be less than what the current approved occupancy is. She said the MND evaluated the potential environmental impacts of the operation of the K-8 grade school with a 60-student occupancy in conjunction with the existing church. Ms. Lang said the current project proposal is a new 23,800 square foot building, a new 960 square foot modular and the modification of the occupancy foregoing the church operations.

She said Staff is proposing an addendum to the Certified MND pursuant to CEQA Guidelines Section 15164 which is related to subsequent Environmental Impact Reports (EIR) and MNDs. Those guidelines say if Staff finds that there are new significant impacts that would be created from this proposal when going through the initial Appendix G checklist, that would trigger Staff to complete either a new MND or a subsequent MND. When the project came to the Planning Division, a noise analysis, a biological study, and a transportation study had already been prepared. Staff went through the Appendix G checklist and guidelines and did not find anything that triggered the questions that CEQA asked of a significant new environmental impact. With all of that in mind, Staff decided to prepare an addendum.

Ms. Lang pointed out that an addendum is not required to be circulated for public review, and Staff must prepare an explanation as to why a subsequent MND was not prepared and it must be supported by substantial evidence which is why the technical studies were included in the addendum.

Ms. Lang said there is sufficient evidence in support of the County's determination that the minor changes to the project do not meet the conditions for preparing an EIR or subsequent MND under CEQA Guidelines, Sections 15162 and 15164.

Ms. Lang said Environmental Health requires a condition of approval based on the abandonment of the existing septic system and connection to the Lake Siskiyou Mutual Water Company for sewer and water, and that any future plans to upgrade the existing kitchen or modify food service shall be

reviewed and approved by Environmental Health prior to implementation.

Cal Fire submitted their requirements pertaining to road and street networks, road signage, and fuel modification and standards under 4290.

Ms. Lang said public comments were received both in support and in opposition to the project. Comments in support mentioned that the school expansion creates more community benefits and more educational benefits. There is school growth potential with the square footage expansion that also creates the ability to keep children of all school ages at one site instead of multiple sites which also increases school operations. Others said they are in support because this is essentially a minimal change in use considering that there is already a school operating on the site.

Comments opposing the project expressed concerns with circulation and traffic related to the school expansion and how that would affect W A Barr Road and that the project hasn't been adequately analyzed under CEQA, which was discussed today in the PowerPoint presentation. There were also concerns related to the availability of public documents related to this project. There were comments regarding declining school statistics and why there needs to be an expansion if the Mt. Shasta area has a decline in school statistics. There were aesthetic concerns related to the new building construction, but the County doesn't have any aesthetic standards. There were concerns related to security and trespass. There were concerns about keeping the vegetative buffer and removal of that buffer because it helps with noise, etc. There were concerns related to the location of the soccer field regarding noise and access to that by the kids. Finally, there was general concern about the noise created by either the construction of the building, which is temporary, and with the increase of the school capacity and the noise from children.

Ms. Lang told the Commission that additional Conditions of Approval have been added based on the comments received. Conditions of Approval 3 and 4 are related to comments from Environmental Health regarding septic and food service. Condition of Approval 5 is related to the will serve letter from the Lake Shastina Mutual Water Company. Condition of Approval 6 is related to Cal Fire's 4290 standards and other standards identified by Cal Fire. Condition of Approval 7 notes that the school capacity shall be 225 students and 35 staff. Due to the proposed increase in school capacity, Staff has included Condition of Approval 8 which requires that the applicant submit an evacuation plan to the Siskiyou County Office of Emergency Services and be approved prior to issuance of the use permit. Based on the new occupancy there may be some need for additional parking, so Condition of Approval 9 states that the project must adhere to the parking standards identified in Section 10-6.5610 of the County Code. Condition of Approval 10 states that the mitigation measures identified in the MND shall be adhered to. Condition of Approval 11 requires that a bird survey be done prior to construction, and then there are remedies that all folks, even for a building permit, would need to take doing a bird construction survey. Condition of Approval 12 is related to the comments of trespassing and security and states that school shall install security to mitigate trespassing onto the property. Condition of Approval 13 states that vegetative buffers currently in place shall be maintained.

Agency Input: None

Commission Questions:

Chair Lindler asked whether the vegetation buffer currently in place was evaluated pursuant to Cal Fire's 4291 requirements, and Ms. Lang said it hadn't but the 4291 requirements would take

precedence if there were a conflict.

Vice Chair Lindler called for a break at 9:41 a.m.

The meeting reconvened at 9:46 a.m.

The Vice Chair opened the Public Hearing.

Public Comments:

In Support

Ms. Shelley Blakely, Executive Director and founding director for Golden Eagle Charter School (GECS), spoke in support of the project. She told the Commission that she was available to answer questions.

Mr. John Carr of Mt. Shasta spoke in support of the project and said his granddaughter attends the school. He said it has the potential to be a beautiful facility and would provide an economic boom while the building is taking place. He wanted to see a turnout lane when entering the school, and he would like to see the project powered by solar on the roof.

Mary Roach of Mt. Shasta spoke in support of the project. She is the wife of Mr. Carr. Ms. Roach spoke highly of the educational experiences provided by Golden Eagle Charter School and said her granddaughter is thriving academically and socially. Ms. Roach said expanding the school has brought grades TK through 8 together on one campus and expanding the school will allow for more growth.

Mr. Michael Kielich of Mt. Shasta spoke in support of the project. Mr. Kielich said he teaches transitional kindergarten and kindergarten (TKK) as well as outdoor science. He said he was speaking for other teachers and staff who were unable to attend the meeting. He said the school provides services for both independent study as well as a blended program. Students are at school four days a week and do home school on Fridays. The curriculum includes teaching environmental stewardship. Currently the high school is separate from the location on W A Barr Road and they want to change that, so a new building is needed for space by having space for all TKK-12 students which would be unique for South County.

Mr. Dustin Rief of Weed spoke in support of the project. He said his children are excelling in school because they have the opportunity of diversity of education in the environment that is provided. They did not have that opportunity at any traditional schools that they've attended in other states or even in California. Mr. Rief said there were a couple issues about noise, one of which came from the bed and breakfast next to the school. He said he found it interesting because school hours are 8:00 a.m. to 2:30 p.m., which in the hospitality environment during the week that is the same time they're cleaning the rooms. People check out or they go do activities. When school lets out, the playgrounds are not active so there's minimal impact. Mr. Rief concluded by saying there is a strong, caring aspect that the teachers put in that do not allow bullying that is seen in some other school districts including online and in person.

Megan Tracey of Mt. Shasta spoke in support of the project. She submitted a letter of support which talked about the classes offered and the benefits to students, and staff does what they need to do to meet the students' needs. She reiterated that they need a new building.

Opposed

Ms. Tammy Beal of Mt. Shasta spoke in opposition to the project. She said she is the superintendent of Mt. Shasta Unified School District which is less than 2 miles from Golden Eagle Charter School. She said the MSUSD school is thriving and was speaking in the spirit of education and being collaborative in the small community of 3,200 people. Ms. Beal said both schools are recipients of a community grant from the state with the purpose being to share community resources. She said having two separate districts do this splinters the available resources. She said she wants to collaborate with GECS and use the existing resources and infrastructure rather than a new building. She said they also do this with Siskiyou Union High School District even though it is a separate district. She concluded by saying she opposes the permit in the spirit of education.

David and Kris O'Shaughnessy of Mt. Shasta spoke in opposition to the project. They own the bed and breakfast next to the school. He doesn't believe the community can support aggressive growth of the school and that GECS will have to cannibalize public schools to fill their school. He said finding quality teachers to meet the growth of the school will be challenging. Mrs. O'Shaughnessy said the school will affect their business with the increase in noise and traffic.

Ms. Kay Scoville of Mt. Shasta said she was not completely against the project but has serious concerns about traffic and evacuation in case of emergency. She described the streets surrounding the school and how they would become clogged during drop off and pick up times. She said if there were a fire, they would have trouble evacuating the children quickly. Ms. Scoville said if the school had buses, that would reduce the number of students being dropped off and picked up by parents.

Mr. David Mauro of Mt. Shasta said he had concerns so he could not speak in either support of nor in opposition to the project. He doesn't want to see the school lose intimate class size due to the expansion but understands they need more space. In support of that, he wanted to know if occupancy can be limited during the fall to spring school term. Mr. Mauro said he thinks the transportation plan is flawed because he doesn't believe traffic flow was observed during school day. He said the expansion should include a second driveway so they have a one way in/one way out circulation onto W A Barr Road.

Proponent Rebuttal

Ms. Shelley Blakely spoke in rebuttal to some of the opposition comments. She said it is not GECS's intention to grow the school. They are currently at capacity in the buildings they have, and their high school across town is currently in a building that is not suitable. They want a better facility for their high school students as well as have the ability to combine all their students at one facility.

Ms. Blakely said they want to keep the vegetative barrier. She said they are also concerned about fire. The subdivision behind them called and asked them to cut down the vegetation by the road that is extended from Ream Avenue because that is their fire exit. She said they are happy to do whatever needs to be done to address safety and fire concerns.

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

Commission Questions/Discussion:

A lengthy discussion was held regarding the old use permit for a church and associated school being rescinded and allowing the school to continue operating. Commissioner Fowle supports GECS's efforts, but interprets the school's operation as church-only. Commissioner Fowle said he is concerned about the location of the 23,800 square foot building, lack of a site plan, and

ingress/egress access. He wants to know how Staff arrived at the non-substantial determination on the proposed new use permit.

Ms. Lang said the zoning standards for square footage increases are unclear, but the building structure outside discretionary project approval is allowed. The school and other CEQA concerns are considered non-substantial, as the building alone is not substantial in terms of environmental impacts. The Appendix G guidelines cannot determine the impact of the 23,800 square foot building on air quality and greenhouse gas emissions. Commissioner Fowle agreed the increase in potential traffic is not substantial enough to trigger environmental review under CEQA, but it was unclear why the project applicant did not present updated site plans, traffic flow, and additional roads for potential drive-throughs and fire escapes.

Ms. Lang said Staff utilized the traffic impact study, and the information gathered did not raise any concern so Staff didn't look any further. Commissioner Fowle said his concern was that he has seen several conditional use permits since he has been on the Commission that replaced existing use permits. He said every time the Commission sees a change to an existing use permit or a new use permit to replace an old one, they have always had a site plan that laid out what the new plan was. Ms. Lang said she would get a site plan.

Ms. Blakely of GECS was asked about school recesses, and she said they have two a day, one for 15 minutes and the second for 30 minutes.

Commissioner Hart asked why a zone change wasn't done, and Ms. Lang said the current zoning of Neighborhood Commercial (C-U) and Single Family Residential (Res-1) allows schools under a conditional use permit. Discussion followed that if the Neighborhood Commercial zone were changed to Town Center Commercial (C-C), a use permit for a school would not be required, but the current zoning would allow for similar uses should GECS relocate. Discussion was held regarding what would be allowed under Neighborhood Commercial and Single Family Residential.

Discussion was held on how to move forward and that the ingress/egress improvements need to be provided.

Vice Chair Lindler called for a break at 10:57 a.m.

The meeting reconvened at 11:10 a.m.

Commission Questions/Discussion (continued):

Commissioner Hart said he wanted to send the project back to Staff and the project proponent to include ingress/egress on the site plan, to indicate when the building is going to take place, and how many years they have to get the building built.

Commissioner Veale said he would make the motion to continue the project but wanted to ask a question after there was a second. Commissioner Fowle seconded the motion.

Discussion was held regarding the items the Planning Commission wanted addressed when the project came back before them. Those items include two ingress/egress routes, lights at the intersection of W A Barr Road and Shasta Ranch Road/West Ream Avenue, the speed limit posted as 25 mph when children are present, flashing lights on W A Barr Road, limiting construction hours from 6:00 a.m. to 9:00 p.m., consult with Cal Fire regarding their 4290 and 4291 requirements, and mitigate trespassing onto the property.

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle, to continue the Golden Eagle Charter School Use Permit (UP-23-08) project to the February 21, 2024, Planning Commission meeting. Staff is directed to provide a site map, ingress/egress routes, investigate signage and warning lights on the road, hours of construction are to be from 6:00 a.m. to 9:00 p.m., include a timeframe for construction, consult with Cal Fire regarding the 4290 and 4291 standards on the property, and include fencing on Condition of Approval 12

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

Agenda Item 5: Draft Vacation Rental Zoning Code Ordinance / Categorically Exempt

Siskiyou County Community Development Department has drafted a zoning code ordinance to update the County's vacation rental regulation process. The updated zoning code ordinance is reflected in Article 61, Vacation Rental Regulations and will repeal Section 10-6.1502(h) of Article 15.- General Provisions, Conditions, and Exceptions of the Siskiyou County Municipal Code. A major update to the vacation rental regulation process includes the removal of the requirement to obtain a Conditional Use Permit (CUP) and the implementation of a tiered ministerial process to operate a vacation rental. Additional updates include the removal of the 2.5-acre minimum for north Siskiyou County (including the communities of Grenada, Yreka, Happy Camp, Seiad Valley, Klamath River, Scott Valley, Butte Valley, and Montague) and the implementation of a 5% cap on permits based on vacancy rate in south Siskiyou County (including the communities of Dunsmuir, Mount Shasta, Weed, and Lake Shastina). The McCloud region will retain the 2.5-acre minimum requirement.

**Categorically Exempt
Zoning Ordinance**

**Recommending Adoption
Recommending Approval**

Staff Report:

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

Ms. Lang told the Commission that pursuant to Government Code, Staff is required to get a recommendation from the Planning Commission regarding the final zoning ordinance for vacation rentals. She told the Commission that the Board of Supervisors settled on the following:

The county is divided into three regions: McCloud, South County, and North County. Additionally, these policies come in four different tiers. The present countywide requirement of 2.5 acres applies to both conditional use permits and what are known as activity permits, which are property owner permits for uses other than running with the land. These activity permits are based on a three-year inspection cycle, and in the event that the property sells, it passes from one property owner to another. If you were the same property owner, your property would be examined every three years to ensure the building is still suitable for the use as a vacation rental.

The Board wanted to cap permits in South County so they placed a 5 percent cap on permits proposed based on vacancy rates. The Board also wants to have the permitting process streamlined and not be a land use entitlement. However, the Board also wanted there to be public input in the event the public had issues with a proposed vacation rental so Staff created a two-part process.

Ms. Lang said draft Process 1 would be ministerial approval where a property owner could apply for

an administrative permit, meet all the requirements and criteria, and Staff would determine whether or not the application was complete. Once everything is deemed complete, Staff would send out notice of a potential vacation rental to property owners within 300 feet of the proposed project. If any protest letters are received and they are less than 50 percent of the noticed residents, the application would be approved and the permit would be issued. If more than 50 percent send letters of protest, then the project would go to the Board. If the project were elevated to Board level, the Board would have to meet certain findings in order to approve the permit.

Ms. Lang said the requirements are similar to the conditions of approval that are in place for existing vacation rental use permits. The difference now would be that the project proponent would have to meet the standard conditions of approval up front before the project is presented to the Board at which time the Board can approve or deny the application.

Ms. Lang said the findings that would be created are based on opposition being over 50 percent of the noticed residents and they are the findings the Board would have to make. If the project were to adversely affect any of the findings, the permit would likely not be approved. Those findings include whether the project adversely affects the orderly development of the property within the county, whether it adversely affects the preservation of property values and protection of the tax base for the county, whether it adversely affects the policy and goals as set by the General Plan, and whether it creates a nuisance within the local neighborhood or community.

Commission Questions:

Commissioner Veale asked how far north Mt. Shasta's sphere of influence covers, and Ms. Lang said it includes Lake Shastina.

Commissioner Melo wanted to confirm that vacation rental use permits will no longer come before the Planning Commission, and Ms. Lang said that vacation rentals can be somewhat political which is more appropriate for the Board to deal with.

Agency Input: None

The Vice Chair opened the Public Hearing.

Public Comments: None

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

Commission Questions/Discussion:

Discussion was held regarding inspections, complaints, and revocations of the use permit. For example, if a parcel with an existing vacation rental use permit changes ownership, it would trigger an inspection upon transfer of ownership, and a new three-year inspection timeframe will start based on the date the new ownership started. If complaints about and potential revocations of a vacation rental use permit were to arise, those would go straight to the Board of Supervisors.

Discussion was held regarding the Findings. Commissioner Fowle said Findings 1, 3 and 4 have previously been under the purview of the Planning Commission. Finding 2 is up to the Board of supervisors since it is in their realm. He asked Mr. Carroll to weigh in on whether Findings 1, 3 and 4 should continue to come before the Planning Commission, and Mr. Carroll said the Planning Commission has the power to hear permits under County Code Section 10-2.08, as it is required to hear all zoning, subdivision, or administrative applications. He added that the Board is not prohibited

from having the permit hearing in the first instance but it is not parallel with the rest of the County Code.

Commissioner Fowle said considering the time involved in hearing vacation rental use permits, he could foresee the Board having to go from one-day meetings to two-day meetings because they bypassed the Planning Commission. He said he would like to see the projects that have more than 50 percent opposition come to the Planning Commission so the Board would not spend their time dealing with more important matters.

Discussion was held that as long as the existing use permits are being operated as a vacation rental and are in compliance, they are grandfathered in and will still run with the land.

Commissioner Hart made the motion suggested by Staff with Commissioner Melo seconding the motion. After discussion Mr. Carroll said the motion should be amended as follows:

Motion: Following discussion, it was moved by Commissioner Hart, seconded by Commissioner Melo, Recommending that the Board of Supervisors Adopt the Proposed Addition of Article 61 of Title 10, Chapter 6, of the Siskiyou County Code and rescind subsection (h) of Section 10-6.1502 of the Siskiyou County Code, except that the Planning Commission be the designated hearing body.

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

Ayes: Commissioners Hart, Melo, Fowle, Veale and Lindler

Noes:

Absent:

Abstain:

Commissioner Hart left the meeting at approximately 12:00 p.m.

Agenda Item 3: Brown's Quarry Reclamation Plan Amendment (RP-03-03-1M) and Use Permit Amendment (UP-03-03-1M) / Utilizing Existing CEQA Document

The proposed project is requesting a Conditional Use Permit Amendment to amend Use Permit UP-03-12 and Reclamation Plan RP-03-03 to reconfigure the mine site to address disturbance that is not within the approved reclamation plan boundary, thus increasing the site from 14.5 acres to 26.65 acres. It also proposes to increase the maximum depth of excavation, extend the operations to 2028 and update monitoring and reclamation standards in order to reclaim the mine site. The project is located at 1722 Ball Mountain Little Shasta Road, approximately 1.56 miles east of the city of Montague on APN's 013-370-730 and 013-380-390. Township 45N, Range 6W, Section 25,34, MDB&M; Latitude 41.727°, Longitude -122.495°.

The project has an adopted Mitigated Negative Declaration from 2004 (SCH # 2004052064). The proposed project changes would not result in any of the conditions described in Section 15162 of CEQA Guidelines calling for a Subsequent Mitigated Negative Declaration and would not result in any new significant environmental effects not previously analyzed in the 2004 Mitigated Negative Declaration, therefore no additional documentation is necessary under CEQA Guidelines Section 15162(b).

**Utilizing Existing CEQA Document
Reclamation Plan Amendment
Use Permit Amendment****Approved
Approved
Approved****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 Commission that Eric Peters, the operator of Brown's Quarry, requested an amendment to the existing use permit and reclamation plan for this active surface mine. The proposed amendments will increase the mine boundary and depth to incorporate all land disturbed by post-2004 surface mining activities, extend the end date to accommodate reclamation activities, revise the revegetation plan, remove a plant that is now listed as invasive and address noxious and invasive species currently on site. The purpose of this proposal is to bring the mine site into compliance with county ordinances and the Surface Mining and Reclamation Act (SMARA) so reclamation can proceed. The operator does not propose any further mining or processing of material.

Ms. Cizin said agency comments were received from California Department of Fish & Wildlife (CDFW), Siskiyou County Environmental Health Division, and Cal Fire which are all included in the Staff Report.

She said Staff recommends that the Planning Commission adopt the Resolution approving the use permit and reclamation plan amendments and determine that the approval would not result in any new or substantially more significant impacts than those examined in the Initial Study / Mitigated Negative Declaration (IS/MND) and no further environmental documentation is necessary.

Agency Input: None

The Vice Chair opened the Public Hearing.

Public Comments:

Mr. Jeff Brown of Montague, project proponent and property owner, spoke in support of the project. He said he lives next to the rock pit. As owners, they live on a royalty basis that pays for fencing on the ranch, fuel, etc. He said he supports reclamation because over the last few decades removal of product has not been followed by reclamation. Mr. Brown said he is concerned about the continuation of the use permit to 2028 because when an operator goes in to reclaim this, he would have to wait until 2028 to get it done. He wanted to know if the Planning Commission has the authority to set a timeline for that reclamation. He said there are a couple pits and Brown's Quarry is one portion, and he would like to see some of that rock removed and those areas reclaimed.

Mr. Brown said his other concern was that one of the Conditions of Approval requires that the operator enter into a road maintenance agreement where they pay the county a percentage of whatever is removed for damage to the road. He said he objects to that because other large trucks that use the road don't do that so it didn't seem like it was a valid requirement. He said those trucks are paying for that road through their fuel. He said it has been there a long time and doesn't want that to affect whether the Commission approves or denies this project.

Mr. Jacob Ewald of Redding, staff biologist for Geoserve, spoke in support of the project. He said he wrote the reclamation plan amendment and the use permit amendment and thinks it's a solid plan.

He said he was available to answer technical questions.

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

Commission Questions/Discussion:

Discussion was held regarding revising the timeline to Spring 2024 instead of 2028. Mr. Ewald said the timeline of 2028 was included to satisfy the biological varieties of the reclamation by first securing approval in the Summer of 2023, spraying for invasives in the Fall of 2023, grading the slopes in the Spring and Summer of 2023, then an additional spraying of invasives in the Summer of 2023, and then utilizing the fall rains to seed the approved seed mix and revegetate the area. He agreed that that 2028 was excessive in terms of the biological timeline.

Discussion was held regarding when to spray invasives, the type of herbicides that should be used, and when spraying should occur.

Ms. Cizin told the Commission that the major question is regarding the grading because that is the bulk of the reclamation that Mr. Brown is referring to. The main concern regarding the timeline is when that regrading can be done so revegetation can be started. Ms. Cizin said a timeline is required and under SMARA there has to be a three-year revegetation monitoring, but as far as the work being done and setting up a timeline like that, it's not restricted.

Mr. Dean said he thought the timeframe would be better dealt with between the operator and the property owner because it was his understanding that the operator mined outside the boundaries so that was why the reclamation plan was being modified.

Discussion was held regarding the best process Mr. Brown should go through to accomplish his goal of reclaiming the mine so the current operator would get their bond back and a new operator would be able to come in and resume mining operations without having to be responsible for cleaning up any issues created by the previous operator.

Mr. Paul Goodwin of Yreka and owner of Custom Crushing Industries requested to speak. He said he has an interest in continuing the mine if the current operators come to an agreement on a timeframe on getting reclamation done, but he doesn't want to take over the work that's been done. He said he takes out proceeds from his quarries or reclaims as he goes. He said he has not received any of the finances from Brown's Quarry and certainly doesn't want to put up the money to fix it if he were to take it over like it is.

Discussion continued about the timelines. Ms. Cizin said Phase 1 is grading to reduce cut slopes and Phase 2 is revegetation, so timelines can be set accordingly.

At this point, Mr. Mike Peters, the mine operator, wanted to know how they would be able to reclaim 100 percent of their bond if they were leaving the quarry open to future work. He wanted to know if they had to reclaim 100 percent in order to get their bond back. Ms. Cizin explained that at each annual inspection, Staff re-reviews the status of the quarry regarding what reclamation has occurred and whether it is accounted for in a cost estimate. Staff will provide another cost estimate when they do another inspection. If work has been done to reduce the amount of the required reclamation, that is accounted for and then Staff approves to reduce that bond and the value of the reclamation is reduced. Should a new operator come in, they would sign a statement of responsibility taking over the existing condition of the mine, put up their financial assurance, and the previous operator's financial assurance is returned to them.

Discussion was held that the amendment to the reclamation plan was due to operations crossing the lines of the original plan, and the operator is now incorporating a larger area within the quarry boundaries, which raises questions about liability within the new quarry boundary or the existing disturbed boundary. Ms. Cizin said under this permit, the bond is held on the amount of disturbed acreage, not the historic mining pre-2004, so even if the plan passes, it does not change the bond amount. She said she did not know whether or not the boundary is right up to the edge of the disturbed area. She observed during field inspection that maybe they drove into some of the historic mining areas and maybe that's why it's included, or maybe there was a pile there, but it would not require reclamation of any magnitude as it would be minimal. Ms. Cizin agrees that the area is larger than the exact disturbed area, but 100 percent of the acreage would not have to be reseeded.

Discussion was held regarding the footprint of the current operator's mining area and that would be the area that would need to be reclaimed. It would be in the best interest of the operator to reclaim whatever needs to be reclaimed in order to get their bond back.

Discussion was held about the proper herbicides that should be used on invasive plants as well as the proper timing for applying them. Vice Chair Lindler said she did not agree with the proposed revegetation and invasive plant management plan and recommended that the plan be revised to reflect that the mine operator would be required to consult with a Pest Control Advisor (PCA) to write a recommendation.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to Adopt Resolution PC-2024-003, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Brown's Quarry Use Permit Amendment (UP-03-012-1M) and Reclamation Plan Amendment (RP-03-03-1M) with Phase 1 (grading) Being Completed by June 21, 2024, After Which Revegetation Can Commence, and Determine that the Approval Would Not Result in Any New or Substantially More Significant Impacts Than Those Examined in the IS/MND and No Further Environmental Documentation Is Necessary.

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

Items for Discussion/Direction:

Ongoing Staff Update Regarding the General Plan Update

This is an ongoing agenda item pertaining to the Siskiyou County 2050 General Plan Update. Staff will be providing an update on the project schedule, deliverables, and any other updates relating to this project.

Staff Report:

Ms. Lang told the Commission that Staff did not have any updates to present at today's meeting.

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, February 21, 2024, at 9:00 a.m.
- 2. Correspondence: None**

3. Staff Comments:

Mr. Dean told the Commission that he attended a few Water Board meetings and discussion was held at the January 16, 2024, meeting regarding flows for the Shasta and Scott rivers as far as precipitation levels and turbidity were concerned. He said the consensus on their side was that the sediment could be a hazard to fish. He also attended the E-Reg meeting and it appeared the same determinations from last year would be made.

Ms. Lang said she would present a discussion regarding E-Regs at an upcoming meeting.

4. Commission Comments:

Commissioner Veale wanted to know where public hearing notices would be posted if the local newspaper were to cease publication. Suggestions were made that the notices be posted at the post office or in a newspaper still in circulation in the next closest town.

Commissioner Fowle said he wanted the record to reflect that the Brown's Quarry project was an example of why use permits that exceed 50 percent opposition should be heard by the Planning Commission.

Vice Chair Lindler said her supervisor asked her about the Planning Commission's policy of not allowing public comment via Zoom because it is not in alignment with what the Board of Supervisors is doing. Commissioner Fowle said the Planning Commission decided that if someone is associated with a project, a project opponent, etc., they need to attend the meeting in person.

Adjournment: The meeting was concluded at approximately 1:12 p.m..

Respectfully submitted,

Signature on file

Hailey Lang, Secretary