

SISKIYOU COUNTY PLANNING COMMISSION
REGULAR MEETING
AUGUST 16, 2017

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

PRESENT: Commissioners Danielle Lindler, Jeff Fowle, Dusty Veale, and Tony Melo

ABSENT: Commissioner Blair Hart

ALSO PRESENT: Allan Calder, Director; Britt Dveris, Senior Planner; Vurl Trytten, Executive Secretary; Dana Barton, Deputy County Counsel; and Jerry Lemos, Senior Health Specialist

MINUTES:

MOTION: It was moved by Commissioner Veale, seconded by Commissioner Fowle, to approve the minutes of July 19, 2017, as presented.

VOTED upon and the Chair declared the motion carried unanimously with Commissioner Hart absent.

PRESENTATIONS FROM THE PUBLIC: None

CONFLICT OF INTEREST DECLARATIONS: None

PUBLIC HEARING PROTOCOL: Chair Melo reviewed the protocol for conducting the Planning Commission meetings.

RIGHTS OF APPEAL STATEMENT: Chair Melo advised that projects heard at this Planning Commission meeting may be subject to appeal within ten calendar days. 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. Chair Melo apprized the Commissioners and audience that appeals must be submitted to the County Clerk's Office together with the appeal fee of \$1250.

PUBLIC HEARINGS:

Barba Conditional Use Permit (UP-17-02)

The proposed project is to operate a brick-and-mortar and mobile automobile repair business at 6025 Siskiyou Boulevard in Grenada. The subject parcel is APN 038-432-151 located in Section 22, Township 44 North, Range 6 West, MDB&M. (Latitude 41°38'47.77"N, Longitude 122°31'21.35"W).

**CATEGORICAL EXEMPTION
USE PERMIT****APPROVED
APPROVED****STAFF REPORT:**

The previously circulated Staff Report was reviewed by the Commission. A comment letter was received from Ann Marsh on August 11, 2017, and was given to the Commissioners before the meeting. A presentation of the project was provided by Mr. Dveris.

Mr. Dveris said that the auto repair shop in Grenada is in an existing metal building that has been used for storage and for maintenance of equipment and tools. He said that the applicant has been operating the auto repair business since June and the use permit would bring an existing use into compliance with the zoning ordinance by approval and issuance of a use permit. He said that the building has historically been used as a repair shop going back to the 1970s, an ice cream shop in the late 1990s and then again as an auto repair shop. He said that there may have been hazardous materials and underground storage tanks on the property.

Mr. Dveris explained that the applicant intended to use the fenced-in area north of the building for servicing vehicles and some storage as well. He further explained that the Applicant would have customers drop off their vehicles for repair, but that customers would not remain on the property. He added that the applicant will not be storing or disposing of hazardous materials on site. He said that the applicant would be repairing vehicles either on site or at customers' homes Monday through Friday.

Mr. Dveris informed the Commission that access to the project site would be from Siskiyou Boulevard, a County maintained road; and there is off-street parking in front and in the fenced area with additional on-street parking. He said that water and sewer were provided by Grenada Sanitary District and fire protection by the Grenada Fire Department.

Using PowerPoint, Mr. Dveris showed the Commission that the surrounding zoning was CC (Town Center) to the north and the south of the project and MM (Light Industrial) to the east of the project site with CC (Town Center) zoning again to the east. Mr. Dveris explained that there were some residences in the CC zoning district. In response to a question from Commissioner Veale, Mr. Dveris showed the access to the project site, on the power point map; and with an aerial map of the area, he showed the location the project site and adjacent properties. In addition, with the site map he showed the layout of the property and the location of the building, fenced-in area, parking and storage. He also showed photos of the site, the metal building and the residences in the commercial zoning district.

Mr. Dveris reviewed the General Plan consistency findings for the project, explaining that though the project is in a mapped area of high erosion hazard; no general plan policies apply to the use permit. In addition the mapped high septic tank limitations and the required septic system review by Environmental Health is satisfied because the property receives water and sewer service from the Grenada Sanitary District. He showed the Commission that the surrounding area is zoned as prime agricultural land, but the project property has been zoned and used for commercial uses for a long time. With regard to other adjacent uses, Mr. Dveris explained that although surrounding residential uses exist, these uses are located in a commercial zoning district and are not typical for a commercial zoning district. In addition there are adjacent light

industrial and retail uses. He added that the project is expected to generate a minimal increase in traffic and satisfies the general plan polices for traffic and access to the property. He said that staff had also reviewed policies for the auto repair shop and found it compatible with commercial zoning. He would interpret auto repair broadly to include truck repair. He added that the building meets the setback requirements in accordance with the site development standards.

Mr. Dveris said that he was recommending a CEQA determination of categorically exempt pursuant to CEQA guidelines sections 15301 (existing facilities) and 15303, (conversions of small commercial structures). He explained that the applicant was using the building as an auto repair shop at the time of staff's determination; therefore there would be no expansion of use under CEQA section 15301. He said that section 15303 would apply if significant amounts of hazardous waste are not generated by the business.

Mr. Dveris said that notice was given to adjacent property owners within 300 feet of the project site and no comments had been received from these property owners. The comment from Ms. Marsh challenging the determination of staff that the project was categorically exempt was received after the staff report was sent out. He said that no comments had been received from Cal Fire or from the Grenada Fire Department. He added that comments received from the Environmental Health Division were included in the Conditions of Approval for the project, and staff was recommending approval of the project and recommending that the Commission approve the determination that the project is categorically exempt under CEQA Guidelines section 15301 and 15303.

AGENCY INPUT: None

Chair Melo opened the Public Hearing.

PUBLIC INPUT:

Tammy Berenden, resident of Grenada, said that she has no problem with the business and no excessive noise. She said the Pellet Mill did increase the noise.

Nathan Keele, resident of Grenada, said that he had noticed the operation of the business but it was not disruptive to their home, and he was in favor of the business.

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

Discussion by Commission:

Commissioner Veale commented that the project took a long time to reach the Commission. Mr. Dveris responded that it was due to staffing constraints.

Chair Melo stated that a letter was received from Ann Marsh.

Commissioner Fowle commented that Ms. Marsh's concerns were addressed in the staff report and the presentation of the staff report.

Mr. Calder responded that Mr. Dveris and Ms. Barton had provided extensive support for the determination that the project is categorically exempt from CEQA. Mr. Dveris said that the Staff Report does not talk about any repair work recently being done on-site. Commissioner Fowle responded that there used to be a shop there. Mr. Dveris explained that the determination has to be based on what is happening at the current time. Mr. Dveris said that at the time the staff report was written he thought the building was being used for storage, but had since learned that the applicant had been servicing vehicles for friends and family. He added that he had learned yesterday that since June the applicant has been operating a vehicle repair business. He further explained that when staff made the determination in the staff report they did not know the applicant's business was operating and the property was being used for car repair. He further explained that servicing of vehicles has also been happening for customers. He informed the Commission that what the applicant wants to do with the property in the future would be a negligible or no change from what had been occurring on the property two months prior today's Planning Commission meeting. He said that the applicant was operating without a use permit, and upon approval will be operating with a use permit; so there will be no change in the use of the property. The applicant is now asking for approval of the use permit to continue what he has been doing recently. Mr. Dveris said that, because no expansion of the use beyond what existed at the time of the Commission's determination would result from the applicant continuing to operate his auto repair business, Ms. Marsh's argument falls apart.

Commissioner Fowle asked if what is proposed fit with the CC zoning and with the uses that have occurred in that zoning, such as the residences. Mr. Dveris responded that the CEQA categorical exemptions are a separate consideration from zoning considerations. Commissioner Lindler said that her understanding of the CEQA determination was that there was a negligible change or no change to the use of the parcel and the use fits with the zoning, the neighborhood, and has the support of its neighbors.

MOTION: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Fowle to adopt Resolution PC-2017-003 attached hereto and incorporated by reference adopting a Categorical Exemption from CEQA for the project and approving the Barba Conditional Use Permit (UP-17-02) subject to the findings in Exhibit A and the notations and conditions of approval listed in Exhibit B-1.

VOTED upon and the Chair declared the motion carried unanimously with Commissioner Hart absent.

MISCELLANEOUS:

1. **FUTURE MEETINGS** - The next regular meeting of the Planning Commission is scheduled for Wednesday, September 20, 2017.
2. **CORRESPONDENCE:** None

STAFF AND COMMISSION COMMENTS

Mr. Calder informed the Commission that the Board of Supervisors had reviewed the Enhanced Agriculture Discussion Item, and the Board asked at what level this is already allowed under the county code, and they were generally opposed to establishing a Technical Advisory Committee.

The Board stated that they did not want to reinvent the wheel and suggested the use of the established code language. He added that the Board did not object to the Planning Commission establishing Technical Advisory Committees after reviewing the County Code if it could be done expeditiously. Commissioner Fowle asked if staff had reviewed the County Code and was ready to make a recommendation, because it appeared that some level of text amendment will be needed. Mr. Calder asked for the recommendation of the Planning Commission regarding establishing a Technical Advisory Committee. Commissioner Fowle explained that he recognizes the current short-handed nature of planning staff and is concerned; however he did not want the project to take 6 months to a year. He said that he would like to see it moved along, and wanted a quick way to get this going. He asked Mr. Calder if planning staff could have a recommendation and report at the September meeting, then the Planning Commission could identify a Technical Advisory Committee and work up language to have a public hearing at the October meeting and be done in November. He added that he initially went with the idea of a Technical Advisory Committee because of staffing challenges. Mr. Calder responded that he appreciated the thought, and said that the process outlined is logical and he would personally commit to this. He added that he also did not want to draw the process out.

Commissioner Veale asked what precipitated this request from Supervisor Haupt. Commissioner Fowle responded that there are several established agricultural businesses in Scott Valley that are stepping into and/or looking into new agricultural enterprises that are not addressed in the County Code, and these agricultural operations face the danger of being considered not compliant with the county code. Commissioner Veale responded that they are trying to get ahead of the curve in terms of agriculture. Deputy County Counsel Barton indicated support, but added that County Counsel is equally short-staffed. Commissioner Fowle indicated that both of the identified issues exist in agricultural operations in Scott Valley. He said he felt it was appropriate to establish a Technical Advisory Committee to work on both identified issues. He recommended a pool of 12 with 2 alternates.

Discussion was held regarding the Zoning Code, General Plan, and the Scott Valley Area Plan and their relationship to each other and their function. At the advice of counsel, discussion stopped because the discussion was leading into topics that were not on the Planning Commission's agenda.

Mr. Calder informed the Commission that the Crystal Geyser project was likely to go to hearing on September 20, 2017, and asked that the Technical Advisory Committee item be postponed to the October meeting. The Commission asked for a brief informational agenda item on this matter for September 20, 2017

In response to a question regarding SGMA, Ms. Barton responded that she had no update at this time. Commissioner Fowle asked staff to make sure this was still moving forward.

Commissioner Veale thanked County Counsel for the letter from Assistant County Counsel Reed. He said that he had a problem with the discussion in the letter regarding site visits. Ms. Barton explained that County Counsel was discouraging site visits, and if you conduct a site visit, a full disclosure is encouraged. She explained that County Counsel's position was that if a site visit is determined to be helpful or needed, then it should be an official site visit conducted by the entire Planning Commission. Ms. Barton further explained that the concern is the possibility of taking into evidence information at hearing that is not before the other members of

the Planning Commission and the members of the public. She said that ex parte information would not be presented at a hearing. Only evidence taken in at a public hearing should be taken into consideration by the Commission for its decision. Commissioner Fowle asked if this was the same reasoning for projects before them and when serving as a hearing board on a violation. Ms. Barton responded that this would apply when the Commission was acting in its quasi-judicial role.

The meeting was adjourned at 10:05 a.m.

Respectfully submitted,



Allan Calder
Secretary

/vt