

# City of Isleton

## Planning Commission Staff Report

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DATE: February 21, 2023

ITEM#: 5.A

CATEGORY: Consent Calendar

### MINUTES OF THE PLANNING COMMISSION

#### SUMMARY

A. Review of the Regular and Special Planning Commission minutes.

#### FISCAL IMPACT

There is no fiscal impact associated with this action.

#### RECOMMENDATION

A. Planning Commission review and approve the draft minutes of the Regular Planning Commission and Special Meeting minutes.

#### ATTACHMENTS

- Minutes

Reviewed by: Charles Bergson, City Manager \_\_\_

Prepared and Submitted by: Yvonne Zepeda, Deputy City Clerk \_\_\_



**CITY OF ISLETON**  
**Special Planning Commission Meeting Agenda**

Tuesday, August 9, 2022, at 6:30pm

208 Jackson Boulevard  
Isleton, California 95641

TELECONFERENCE AND OR IN PERSON MEETING

**CONTINUATION OF THE AUGUST 2, 2022 MEETING FOR HOUSING ELEMENT**

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This meeting will be held via teleconference or in person, pursuant to Executive Order N-29-20 issued by the State of California Executive Order by Governor Gavin Newsom on March 17, 2020. All members of the public interested in participating in this ZOOM meeting are invited to join by phone or online teleconference. To attend meeting by phone, dial 408-638-0968 (do not put a 1 before the number), Personal Meeting ID 337-903-7904# and Personal ID just hit# and then Passcode 123456#. For computer log in follow the link below.

<https://us02web.zoom.us/j/3379037904?pwd=MUM2cnZrdzJMVTBUO0EyTUd4S2kzZz02>

Phone Dial In: 408-638-0968

Meeting ID: 337 903 7904

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**1. OPENING CEREMONIES**

- A. Welcome & Call to Order – Chair Jack Chima called to order at 6:30pm.
- B. Pledge of Allegiance
- C. Roll Call

PRESENT: Planning Commissioner's Michelle Burke, Joe Kessner, Ruby Fowler, Jack Chima.  
ABSENT: Planning Commissioner Mandy Elder.

**2. AGENDA CHANGES OR DELETIONS**

ACTION: None.

**3. PUBLIC COMMENT**

This is an opportunity for the public to speak to the Planning Commission on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Planning Commission Chairman may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

ACTION: Don Cain – How do we start the AED's process to have them.

**4. PUBLIC HEARINGS**

- A **SUBJECT:** General Plan Amendment GPA 2022-01; Housing Element Update.

**RECOMMENDATION:** Approve Planning Commission Resolution PC02-22 recommending adoption of the Housing Element Update by the City Council.  
Michelle Burke- We have been adopting these zoning, so we can do it now.  
Ruby- Tiny Homes. Michelle Burke- It's a new category. Public Comments-  
Don Cain- The City get props our brownie points. Closed. Joe Kessner – 863-  
Flood plain-a lot of language-support residential and remove under barriers. I

feel its addressed here. Zoning Code amendments. Jack Chima-As in industrial Housing, levee requirements with procedures. Aleida-We have to have the zoning go with it. Jack Chima –Yes. We have to deal with it as the situation occurs.

**ACTION:** Planning Commissioner Ruby Fowler motion to approve Planning Commission Resolution PC 02-22 recommending adoption of the Housing Element Update by the City Council. Chair Jack Chima second the motion. **AYES:** Planning Commissioner’s Ruby Fowler, Joe Kessner, Michelle Burke, Jack Chima. **NOES:** None. **ABSTAIN:** None. **ABSENT:** Planning Commissioner Mandy Elder. **PASSED:** 4-0.

**5. OTHER BUSINESS**

A. **SUBJECT:** None.

**6. COMMISSION REPORTS AND COMMITTEE UPDATES**

- A. Commission Chair Jack Chima – None.
- B. Commissioner Ruby Fowler – None.
- C. Commissioner Joe Kessner – Agendize 502 6<sup>th</sup> St.
- D. Commissioner Michelle Burke – Files to PDF for readable.
- E. Commissioner Mandy Elder – Absent.

**7. STAFF GENERAL REPORTS AND DISCUSSION**

None.

**8. ADJOURNMENT**

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
CHAIR, Jack Chima

ATTEST:

\_\_\_\_\_  
DEPUTY CITY CLERK, Yvonne Zepeda

## CITY OF ISLETON

### Amended Planning Commission Meeting Minutes

Tuesday, April 5, 2022 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

TELECONFERENCE MEETING OR IN PERSON

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Phone Dial In: 408-638-0968

Meeting ID: 337 903 7904

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#### 1. OPENING CEREMONIES

A. Welcome & Call to Order – Chair Jack Chima called to order 6:30p.m.

B. Pledge of Allegiance

C. Roll Call

PRESENT: Planning Commissioner's Mandy Elder, Chris Jones, Robert Jankovitz, Michelle Burke, Jack Chima.

#### 2. AGENDA CHANGES OR DELETIONS

ACTION: None.

#### 3. PUBLIC COMMENT

This is an opportunity for the public to speak to the Planning Commission on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Commission and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Chair may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

ACTION: Casey Cummunsky-a lot of traffic, transient by 5<sup>th</sup> and Jackson and A St. people stealing catalytic convertor. 106 4<sup>th</sup> St. no lights. A street light would be nice.

#### 4. COMMUNICATION

A. County of Sacramento, Order of Health Officer.

**AMERICANS WITH DISABILITIES ACT NOTICE:** In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to Yvonne.zepeda@cityofisleton.com at least 48 hours prior to the meeting.

**GOV. CODE § 54957.5 NOTICE:** Public records related to an agenda item that are distributed less than 72 hours before this meeting are available for public inspection during normal business hours at Isleton City Hall located at 101 Second Street, Isleton, California 95641.

**ACTION:** Information only.

## **5. CONSENT CALENDAR**

- A**     **SUBJECT:** Approval of Minutes of the Regular Planning Commission Meeting of December 7, 2021 and Special Planning Commission Meeting of February 15, 2022.

**RECOMMENDATION:** Planning Commission review and approve draft minutes of the Regular Planning Commission Meeting of December 7, 2021 and Special Planning Commission Meeting of February 15, 2022.

**ACTION:** Planning Commissioner Mandy Elder motion to approve draft minutes of the Regular Planning Commission meeting of December 6, 2021 should say and not December 7, 2022. Planning Commissioner Chris Jones second the motion. **AYES:** Planning Commissioner's Mandy Elder, Chris Jones, Michelle Burke, Robert Jankovitz, Chair Jack Chima. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED** 5-0. Planning Commissioner Michelle Burke motion to approve draft minutes of the Special Planning Commission meeting of February 15, 2022. Planning Commissioner Chris Jones second the motion. **AYES:** Planning Commissioner's Chris Jones, Michelle Burke, Robert Jankovitz, Chair Jack Chima. **NOES:** None. **ABSTAIN:** Planning Commissioner Mandy Elder. **ABSENT:** None. **PASSED** 5-0.

## **6. PUBLIC HEARING**

- A.**     **SUBJECT:** Conditional Use Permit UP 01-22 and Development Agreement DA 2022-01 for WTO Essentials, Inc. for a cannabis manufacturing and distribution facility located at 402 Jackson Blvd, Isleton, CA 95641, Assessor's Parcel No. 757-007-303-10-0000.

**RECOMMENDATION:** Conditional Use Permit UP 01-22 and Development Agreement DA 2022-01 for WTO Essentials, Inc. for a cannabis manufacturing and distribution facility located at 402 Jackson Blvd, Isleton, CA 95641, Assessor's Parcel No. 757-007-303-10-0000.

**ACTION:** Chris Jones- Is the space same use? Gary Price- Manufacturer and distro use now from 402 Jackson. Delta Ag. Holdings and WTO 4200 sq. ft. Chris Jones- It's half empty. Details of the improvements, smell and pollution. Public-Jay Arter- Wrote letter to find out information. Plans and traffic and employees. Would like to see improvements, sidewalks, speed bumps where are they. Chris Jones-Call Gary Price. Complete package. Continued to April 13, 2022.

## **7. NEW BUSINESS**

- A.**     **SUBJECT:** 502 Sixth Street, Find Property out of Compliance.

**RECOMMENDATION:** That the Commission recommend that City Council Find 502 Sixth Street out of Compliance with City Zoning Code (Ordinance 2015-01).

Chris Jones-what is permissible and a lot of improvements and first whether permitted uses. There's permitted use of fruit trees. Michelle Burke-Liability topic heightened insurance. I have insurance and you have copies of my insurance. It is a permitted primary use in the code. Chuck Bergson-Commercial code 602 uses, connection to water, sewer and utilities.

Michelle Burke-I've had fruit trees and soil to grow the plants I have. Single family residential easements on property. Dean Dockery-on going July 7, 2020- 1 conex box, no sewer, no water and many more connex boxes. No compliance. It's not one simple item. View it as residential property. I like the trees. Mandy Elder- is there a code to live in those conex boxes. Chris Jones- We have a way forward, amblical to code enforcement. Consensus and direction touring the property. Time line 3 months and to bring back. Dean Dockery good enough, meet with Michelle Burke and partner Don Cain and set up date and time. I am going to follow the code.

**ACTION:** Then bring back.

- A. SUBJECT:** Tree Inventory Report

**RECOMMENDATION:** For information.

**ACTION:** Direction given to City Manager on Tree Ordinance.

## **7. COMMISSION REPORTS AND COMMITTEE UPDATES**

- A. Commission Chair Jack Chima – None.
- B. Commissioner Robert Jankovitz – Left meeting early. None.
- C. Commissioner Chris Jones – Del Rio in Escrow?
- D. Commissioner Michelle Burke – None.
- E. Commissioner Mandy Elder – Code Enforcement. 4<sup>th</sup> Ave. tree cut down.

## **8. STAFF GENERAL REPORTS AND DISCUSSION**

General plan moving along. Special Planning Commission meeting April 13, 2022 for WTO.

## **9. ADJOURNMENT**

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
CHAIR, Jack Chima

ATTEST: \_\_\_\_\_  
DEPUTY CITY CLERK, Yvonne Zepeda





**CITY OF ISLETON**  
**Planning Commission Meeting Agenda**

Tuesday, August 2, 2022, at 6:30pm

208 Jackson Boulevard  
Isleton, California 95641

TELECONFERENCE AND OR IN PERSON MEETING

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<https://us02web.zoom.us/j/3379037904?pwd=MUM2cnZrdzJMVTBUO0EyTUd4S2kzZz02>

Phone Dial In: 408-638-0968

Meeting ID: 337 903 7904

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**1. OPENING CEREMONIES**

- A. Welcome & Call to Order – Chair Jack Chima called to order at 6:30pm.
- B. Pledge of Allegiance
- C. Oaths – Ruby Fowler and Joe Kessner were sworn into office of Planning Commission.
- D. Roll Call  
PRESENT: Planning Commissioner’s Mandy Elder, Michelle Burke, Ruby Fowler, Joe Kessner, Chair Jack Chima.

**2. AGENDA CHANGES OR DELETIONS**

ACTION: None.

**3. PUBLIC COMMENT**

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**4. PUBLIC HEARINGS**

- A **SUBJECT:** General Plan Amendment GPA 2022-01; Housing Element Update.

**RECOMMENDATION:** Approve Planning Commission Resolution PC02-22 recommending adoption of the Housing Element Update by the City Council. Gary Price read staff report of General Plan Housing Element. Ruby Fowler-Isleton lacks poverty. Ethan-22 Jurisdictions out of date and HCD and small communities. Make small edits at a later date. Get all docs to planning commission. Cara- double check on website.

**ACTION:** Chair Jack Chima motion to approve Planning Commission Resolution PC 02-22 recommending adoption of the Housing Element Update by the City Council. Ruby Fowler second the motion. **AYES:** Planning Commissioner’s Mandy Elder, Michelle Burke, Ruby Fowler, Joe Kessner, Chair Jack Chima. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED 5-0.**

**5. OTHER BUSINESS**

- A. **SUBJECT:** Zoning Interpretations for 502 6<sup>th</sup> Street.

**RECOMMENDATION:** In accordance with Sections 603 and 1301 of the Zoning Code make certain findings and interpretations as referenced in the staff report.

**ACTION:** Michelle Burke Its' assumption that were in other cities. Code is rewritten poorly. Chuck and Dean and Scott showed up and said all 3 of them do it at same time. Chuck refused to let Dean inspect alone. Ruby Fowler what are we supposed to do with this. Is Burke property approved what she is doing there? Chuck- No. we took direction from PC. To inspect property and would not let us on. Michelle Burke you said code enforcement. Jack Chima this has been going on. Easement, gas line, PG&E-based on that we cannot allow it and no letter provided. Obtain a permit, building plans and apply. Public Safety and on record and conformance and variance code. Applicant make an application and propose. Planning Commission need to get a site plan review. Jack Chima motion to receive an application. **ACTION:** Planning Commissioner Joe Kessner motion to receive an application site plan from Michelle Burke. Planning Commissioner Ruby Fowler second the motion. **AYES:** Planning Commissioner's Michelle Burke, Ruby Fowler, Joe Kessner, Chair Jack Chima. **NOES:** None. **ABSTAIN:** Planning Commissioner Michelle Burke and Mandy Elder. **ABSENT:** None. **PASSED 3-1.**

## 6. COMMISSION REPORTS AND COMMITTEE UPDATES

- A. Commission Chair Jack Chima – Trees in City need trimmed. PG&E Lines running in trees.
- B. Commissioner Ruby Fowler – None.
- C. Commissioner Joe Kessner – None.
- D. Commissioner Michelle Burke – Compassionate Use on next agenda.
- E. Commissioner Mandy Elder – Decker own the storage facility by Catholic Church? No. JD Petra owns it. Kushner 3 homes- Environmental review. The Meadows? Update.

## 7. STAFF GENERAL REPORTS AND DISCUSSION

**ACTION:** Village on the Delta 3 homes under construction review at City Hall.

8. **ADJOURNMENT – This meeting is continued.**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**CHAIR, Jack Chima**

**ATTEST:**

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**DEPUTY CITY CLERK, Yvonne Zepeda**

## CITY OF ISLETON

### Planning Commission Meeting Minutes

Tuesday, October 4, 2022 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

TELECONFERENCE MEETING OR IN PERSON

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Phone Dial In: 408-638-0968

Meeting ID: 337 903 7904

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#### 1. OPENING CEREMONIES

- A. Welcome & Call to Order – Chair Jack Chima called to order at 6:30PM.
- B. Pledge of Allegiance
- C. Roll Call

PRESENT: Planning Commissioner's Mandy Elder, Michelle Burke, Ruby Fowler, Joe Kessner, Chair Jack Chima, and City Manager Charles Bergson.

#### 2. AGENDA CHANGES OR DELETIONS

ACTION: None.

#### 3. PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

ACTION: Don Cain – Putting stuff on agenda deviates from State Wide practices. Have rules or pass by Resolution. Brown Act or Chair can call for a special meeting. Tiny

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Homes in general plan. Ad-Hoc committees to see what they think. Mike Leach of CSG new building official? Tony Hutson - concerns about development and wants reassurance, homes built to code. No shipping containers and animals running in the street. Closed.

**4. COMMUNICATION**

A. None.

**5. CONSENT CALENDAR**

A **SUBJECT:** Approval of Minutes of the Planning Commission Meeting of September 6, 2022.

**RECOMMENDATION:** Planning Commission review and approve draft minutes of the September 6, 2022.

**ACTION:** Tabled need description of date and letter who it is to and from and for 502 6<sup>th</sup> Street in support.

**6. PUBLIC HEARING**

A. **SUBJECT:** Tentative Subdivision Map 2022-01, Alexander Kushner, Applicant.

**RECOMMENDATION:** The Planning Commission should hold a public hearing, consider the applicant's, staffs and public comments and approve Planning Commission Resolution PC 03-22 (based on findings and subject to conditions) and recommend this item to the City Council.

**ACTION:** Planning Commissioner Mandy Elder motion to hold a public hearing, consider the applicant's, staffs and public comments and approve Planning Commission Resolution PC 03-22 (based on findings and subject to conditions) and recommend this item to the City Council. Planning Commissioner Ruby Fowler second the motion. **AYES:** Planning Commissioner's Mandy Elder, Ruby Fowler, Joe Kessner. **NOES:** None. **ABSTAIN:** Planning Commissioner's Michelle Burke and Chair Jack Chima. **ABSENT:** None. **PASSED** 3-0-(2 recuse).

**7. NEW BUSINESS**

A. **SUBJECT:** Isleton Historic Review Board, Ordinance No. 05-2011, section 1.03 (B) nominate second member from Planning Commission for appointment to the Isleton Historic Review Board.

**RECOMMENDATION:** That the Planning Commission nominate a second member for City Council appointment to the Isleton Historic Review Board.

**ACTION:** Planning Commission nominated Michelle Burks as the second member for City Council appointment to the Isleton Historic Review Board.

**7. COMMISSION REPORTS AND COMMITTEE UPDATES**

A. Commission Chair Jack Chima – None.

B. Commissioner Ruby Fowler – None.

- C. Commissioner Joe Kessner – 3 Months Code Enforcement Report have not seen it. City Manager will submit at next meeting.
- D. Commissioner Michelle Burke – Law agenda-city code – she'll give you the code number.
- E. Commissioner Mandy Elder – None.

**8. STAFF GENERAL REPORTS AND DISCUSSION**

ACTION: Draft reasonable accommodations report. Del Rio is boarded up and bank owns it as of now.

**9. ADJOURNMENT**

AYES:

NOES:

ABSTAIN:

ABSENT:

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CHAIR, Jack Chima

ATTEST:

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DEPUTY CITY CLERK, Yvonne Zepeda



## CITY OF ISLETON

### Planning Commission Meeting Minutes

Tuesday, November 1, 2022 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

TELECONFERENCE MEETING OR IN PERSON

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Phone Dial In: 408-638-0968

Meeting ID: 337 903 7904

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#### 1. OPENING CEREMONIES

A. Welcome & Call to Order – Chair Jack Chima called to order at 6:30pm.

B. Pledge of Allegiance

C. Roll Call

PRESENT: Planning Commissioner's Mandy Elder, Michelle Burke, Ruby Fowler, Joe Kessner and Chair Jack Chima.

#### 2. AGENDA CHANGES OR DELETIONS

ACTION: None.

#### 3. PUBLIC COMMENT

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ACTION: Planning Commissioner Joe Kessner requested code enforcement reports. I did not see on agenda. Concerned Code Enforcement is not doing his job. It is being paid on

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a grant and what it is being used for. Copies of open permits, building. List. Michelle Burke – What is our building cost? CB-150.00. Don Cain –We submitted a site plan review that city requested. Mr. Bergson requested 5k and nothing in city ordinance. I explained that to Mr. Bergson. Again 2500 requested and I pushed back. CUP and application fees, site plan review lack that line or cc. Only after CC passes resolution or ordinance set fee. Still waiting on movement. Planner from San Francisco saying its exempt from planning and zoning code and EIR is done. As long as we are compliant it's a walk through. Especially Comforts CUP 500.00 only charged. I can't say city is acting in good faith. I'll publish on line and press as well.

#### **4. COMMUNICATION**

A. None.

#### **5. CONSENT CALENDAR**

**A SUBJECT:** Approval of Minutes of the Planning Commission Meeting of September 6, 2022.

**RECOMMENDATION:** Planning Commission review and approve draft minutes of the September 6, 2022.

**ACTION:** Planning Commissioner Michelle Burke motion to approve draft minutes of the September 6, 2022 with change to supporting Michelle Burke Property on 6<sup>th</sup> St. Planning Commissioner Ruby Fowler second the motion.

**AYES:** Planning Commissioner's Mandy Elder, Michelle Burke, Ruby Fowler, Joe Kessner, Chair Jack Chima. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. Passed 5-0.

#### **6. PUBLIC HEARING**

A. **SUBJECT:** None.

#### **7. NEW BUSINESS**

A. **SUBJECT:** RV Park Meadows, Jackson Boulevard, Status update.

**RECOMMENDATION:** None.

**ACTION:** RV Park Meadows, Jackson Boulevard to possibly be ready in December or January. City Manager they have not turned anything in. Ruby Fowler Map site plan, overlay, densely put together this is. Disaster preparedness plan. City Manager, Fire exit and safety plan and egress. This has not been proven by Fire Chief. Joe Kessner, Sewage told to look at Georgiana or 12" end at catholic church end of city limit, city never did it. For this size of unit. Pumping station, 12" like whose responsible for it? Concur if they do delta 8" line, all this area here- City to update 8"-12". Ruby Fowler – Where are they connecting sewer? Joe Kessner – They can do a septic, our connecting on Georgiana – 8" line. Delta 12" line extended from Catholic Church along Jackson, St. Theresa. Any money out of Cannabis will be chump change. I don't want to see road block, delays and get ahead of



the sewage issue. Power is it PG&E? CEQA Environmental review, parking, power, utility, sewer, water and traffic. Septic-Georgiana and engineering and sizing up line. That is all on applicant. They hired an engineer, waterlines may not be viable. Ruby Fowler, drain will be? City Manager, the entire lot for septic. Joe Kessner – They hit water at 7'. Ruby Fowler – if owner put in sewer, other ones benefit? JK- I don't know. City Manager- Application could ask for re-imbusement they get to defray their cost. Michelle Burke – Different zoning. Ruby Fowler – zoned in this project. Jack Chima –December bring it to pc. Michelle Burke – MH-RM7-Multiple egress. Joe Kessner –Single egress. City Manager – FC noted-emergency exit on east end. Jack Chima- 3 exits. Joe Kessner- Plywood on floor between the buildings off of 160. Jack Chima – Then cost sustain it. PC- Don Cain-impact fee cover the big chunk. City Manager – sewer extension fire, school, storm drain and wastewater extension on owner. LDR-zoned-trigger to amendment of General Plan.

**B. SUBJECT:** Review existing Conditional Use Permits.

**RECOMMENDATION:** None.

**ACTION:** Existing Conditional Use Permit. Joe Kessner-Yearly review done and expires in 5 years. City Council can revoke – what can they do. Ask for copies of reviews, date, time and report that they are complying. Ruby Fowler – Conditional Use Permit reviewed at City Hall, unable to find this, should have asked for resolution, ordinance with them, that is what's needed. 2021-Gates- and Price no review since then. Consulting planner to do review. Joe Kessner –Both examine and site visit and paper review. Mandy Elder – Staffing, no on site planner since 2021. Conditional and resolution last year, recently review State to tax review. Michelle Burke-Did you issue with conditions of commercial front-no single front. We want it public. The viability of Main St. front of buildings. They deserve to lose their license. Ruby Fowler-7 cannabis and some of these buildings of owners, we need to go after the owners of the property. Joe Kessner –al the CUP in owner in tenant. Ruby Fowler- so its issued to the business, not the owner? Some haven't started. Joe Kessner- they'll expire-401 6<sup>th</sup> St. expires next year. Joe Kessner-This is a high priority. Pull permit or make them do it. 30-60 days. Ruby Fowler-Need to clarify what they were asked. We can't hold them accountable if they don't have it in agreements. It's Fire Chief and Code Enforcement Officer. My wife closed her shop and she paid for Fire Inspection and was never inspected, why doesn't he come in 1<sup>st</sup>. inspection and enforcement of it. The manager needs to get them to do their job. It should be in writing. Michelle Burke-I thought we were reviewing Conditional Use Permit for cannabis to Planning Commission. City Manager, before next meeting. Michelle Burke-should be online and completion and hit go. Does CEO? should provide next meeting. Jack Chima – Gallaty revoked never paid and did not go online and FC Violations. No response. Delta Daze Inn-Lee Brothers – enforce it. JK-we need to enforce it. RF-little disappointed in CC public Sector. JC-Not transferrable. What are we going to do, what can we do, paint the buildings and HOA? Michelle Burke-pre-approved pallets. Ruby Fowler-apologize to Mr. Moldonado, no personalities.

## **8. COMMISSION REPORTS AND COMMITTEE UPDATES**

- A. Commission Chair Jack Chima- None.
- B. Commissioner Ruby Fowler- Acknowledge City of Isleton and Charles Bergson and Staff and consultants. I know you have hard jobs.
- C. Commissioner Joe Kessner-None.
- D. Commissioner Michelle Burke- Agenda setting. I mentioned at cc and pc 6<sup>th</sup> st. pallet place and church on van. 5<sup>th</sup> and Jackson smells bad. Public Works asked for a new vehicle, private ones, insurance issues. Kudos they vacuumed the leaves on main street.
- E. Commissioner Mandy Elder- None.

## **9. STAFF GENERAL REPORTS AND DISCUSSION**

ACTION: City Manager-City Council elected not to do AB361, getting clarification from council on running meetings via zoom.

## **10. ADJOURNMENT**

AYES:

NOES:

ABSTAIN:

ABSENT:

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CHAIR, Jack Chima

ATTEST:

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DEPUTY CITY CLERK, Yvonne Zepeda

## CITY OF ISLETON

### Planning Commission Meeting Meeting

Tuesday, December 6, 2022 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

TELECONFERENCE MEETING OR IN PERSON

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This meeting will be held via teleconference or in person, pursuant to Executive Order N-29-20 issued by the State of California Executive Order by Governor Gavin Newsom on March 17, 2020. All members of the public interested in participating in this ZOOM meeting are invited to join by phone or online teleconference. To attend meeting by phone, dial 408-638-0968 (do not put a 1 before the number), Personal Meeting ID 337-903-7904# and Personal ID just hit # and then Passcode 123456#. For computer log in follow the link below.

<https://us02web.zoom.us/j/3379037904?pwd=MUM2cnZrdzJMVTBUQ0EyTUd4S2kzZz09>

Phone Dial In: 408-638-0968

Meeting ID: 337 903 7904

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#### 1. OPENING CEREMONIES

- A. Welcome & Call to Order – Chair Jack Chima called to order at 6:34pm.
- B. Pledge of Allegiance
- C. Roll Call

PRESENT: Planning Commissioner's Michelle Burke, Ruby Fowler, Joe Kessner, Jack Chima. ABSENT: Planning Commissioner Mandy Elder.

#### 2. AGENDA CHANGES OR DELETIONS

ACTION: None.

#### 3. PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

ACTION: None.

#### 4. COMMUNICATION

**AMERICANS WITH DISABILITIES ACT NOTICE:** In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to Yvonne.zepeda@cityofisleton.com at least 48 hours prior to the meeting.

**GOV. CODE § 54957.5 NOTICE:** Public records related to an agenda item that are distributed less than 72 hours before this meeting are available for public inspection during normal business hours at Isleton City Hall located at 101 Second Street, Isleton, California 95641.

A. None.

## 5. CONSENT CALENDAR

A SUBJECT: None.

## 6. PUBLIC HEARING

- A. **SUBJECT:** Consideration of Resolution No. 04-22, recommending approval to the City Council of Conditional Use Permit CUP 03-22, recommending approval of a Development Agreement, and recommending direction to staff to File Notice of Exemption for the Isleton Cannabis Company to operate under a micro-business cannabis license at 51 Main Street.

**RECOMMENDATION:** Conduct public hearing and adopt Resolution No. 04-22. Planning Commission concern with no store front and review CUP's and DA's. This is a change in ownership and license name.

**ACTION:** Planning Commissioner Joe Kessner motion to approve Resolution No. 04-22 recommending approval to the City Council of Conditional Use Permit CUP 03-2, recommending approval of a Development Agreement, and recommending direction to staff to File Notice of Exemption for the Isleton Cannabis Company to operate under a micro-business cannabis license at 51 Main Street, with recommendation 3 months of opening front with compliance with State Law. Planning Commissioner Ruby Fowler second the motion. AYES: Planning Commissioner Michelle Burke, Joe Kessner, Ruby Fowler, Chair Jack Chima. NOES: None. ABSENT: Planning Commissioner Mandy Elder. ABSTAIN: None. PASSED 4-0.

## 7. NEW BUSINESS

- A. **SUBJECT:** RV Park Meadows, Jackson Boulevard, Status update.

**RECOMMENDATION:** None.

**ACTION:** Planner Mr. Price gave an update on the project of RV Park Meadows with the California Environmental Quality Act, staff has prepared an environmental study for the project. In January or February 2023 will come back to Planning Commission for Public Hearing.

## 8. COMMISSION REPORTS AND COMMITTEE UPDATES

- A. Commission Chair Jack Chima- None.
- B. Commissioner Ruby Fowler-None.
- C. Commissioner Joe Kessner-Report on Code Enforcement. Is Dean Dockery code enforcement? City Manager no, Dockery is Interim Public Works Director.
- D. Commissioner Michelle Burke-None.
- E. Commissioner Mandy Elder-Absent.

## 9. STAFF GENERAL REPORTS AND DISCUSSION

**10. ADJOURNMENT**

AYES:

NOES:

ABSTAIN:

ABSENT:

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CHAIR, Jack Chima

ATTEST:

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DEPUTY CITY CLERK, Yvonne Zepeda



# City of Isleton

## Planning Commission Staff Report

DATE: February 21, 2023

ITEM#: 6.A

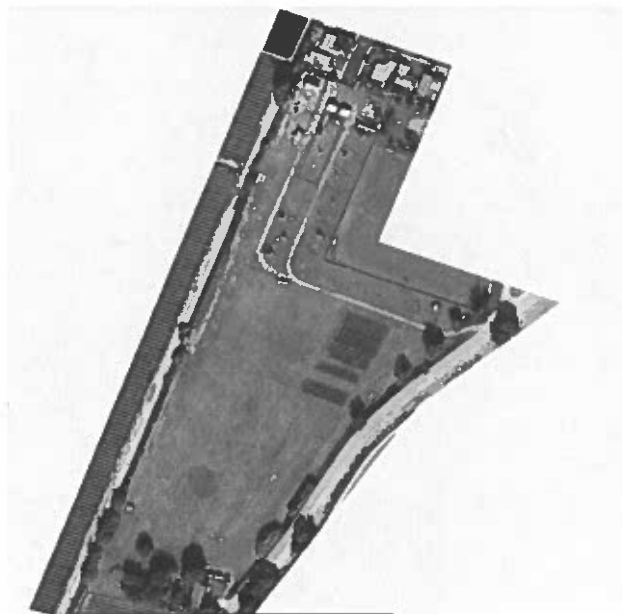
CATEGORY: Public Hearing

**CONDITIONAL USE PERMIT CUP 01-23  
THE MEADOWS RV PARK  
SANDEEP LIDDER, APPLICANT**

### **BACKGROUND AND PROJECT DESCRIPTION:**

**Summary Description:** Construction and operation of a recreational vehicle (RV) park, 121 RV sites, a lodge, and 14 small home rental cabins on 13.73 acres at 301, 401, 501 Jackson Slough Rd, Reduced project plans are presented in this staff report. Full scale plans of the project will be distributed to the Commission and presented formally at the meeting. Also, more details for the project and site can be viewed in Attachment B of this report which consists of the CEQA Initial Study document.

**Map 1, Site Map**

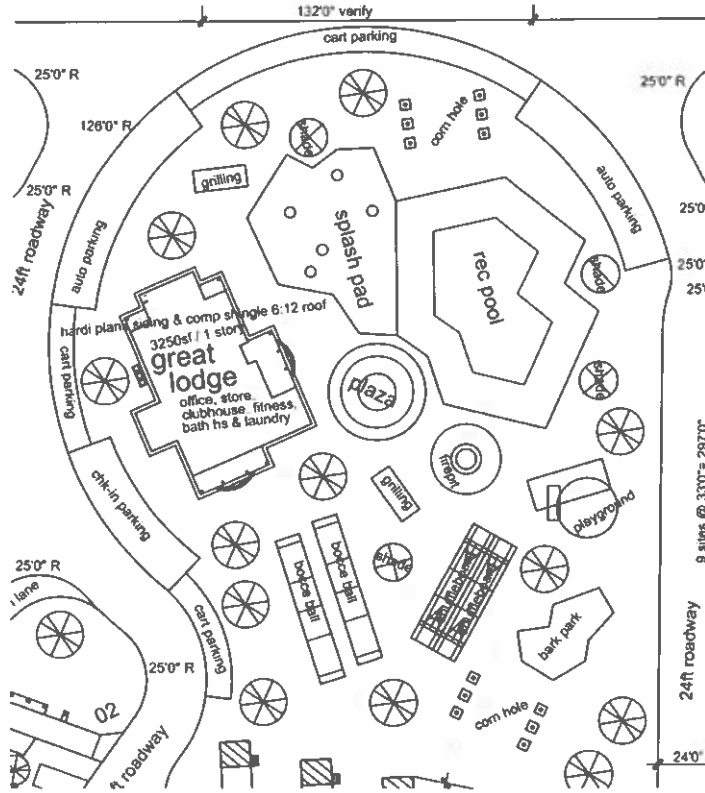


**Environmental Setting:** Topography across the site is relatively level and mostly consists of an open field with vegetation in the southernmost that consists mostly of non-native annual grassland with an extensive mix of ruderal (weedy) species. There is 0.8-acres within the southernmost portion of the project site that has been used in a manner like a community garden. These areas currently support some lavender but are in the process of being overgrown by the weedy species described above for the southernmost portion of the project site. The site is bounded to the southeast by Jackson Slough Road, to the northeast by vacant lot and single-family residences, to the northwest by farmland, and to the southwest by a single-family residence beyond which is farmland. There is also a baseball field located at the northeast section of the property. There is also a campground located to the northeast of the site.





**Figure 2, Project Amenities**



**Figure 3, Preliminary Floor Plan for Lodge**

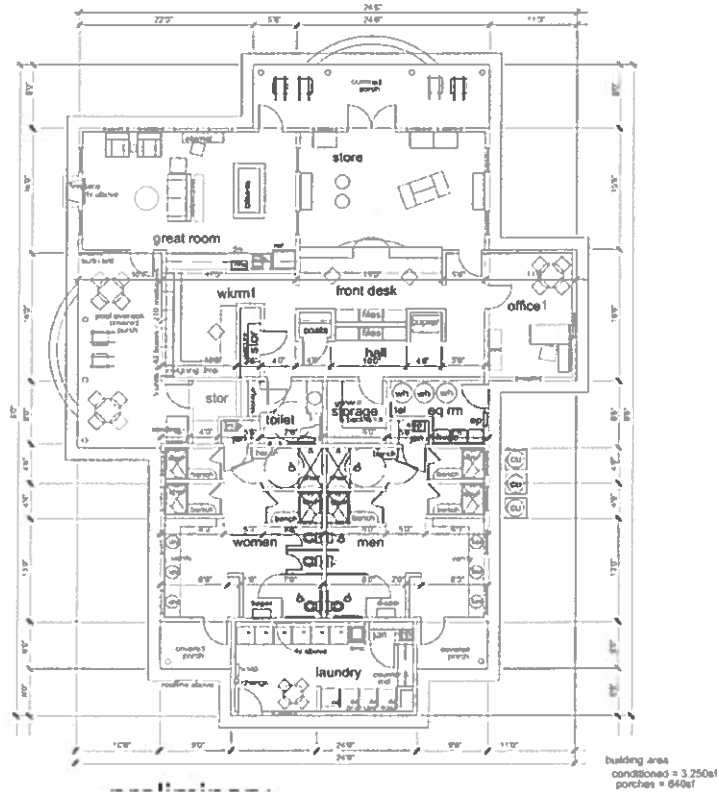
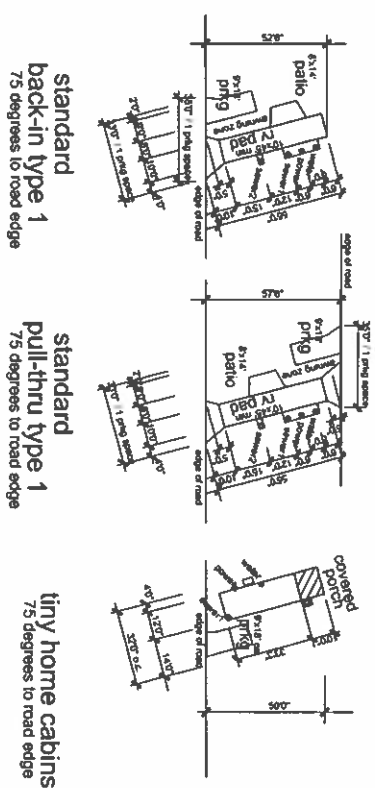


Figure 4, Typical Lay-Out



standard  
back-in type 1  
75 degrees to road edge

standard  
pull-thru type 1  
75 degrees to road edge

tiny home cabins  
75 degrees to road edge

# isleton rv park

isleton CA

0' 20' 40' 60'

measure 1" for scale this sheet

15 may 22

**ron d. beard & associates**  
**architects**  
 ARCHITECTURAL, PLANNING & CONSULTING SERVICES  
 11200 AVENUE W  
 AUSTIN, TEXAS 78728  
 TELEPHONE 512-278-7788  
 FAX 512-278-7788  
 MOBILE 512-756-3447  
 E-MAIL RON@ROND.BEARD.COM  
 WWW.ROND.BEARD.COM

**Site Plan:** The site plan shows the development of a 121 space Recreational Vehicle (RV) park (96 back-in RV sites, 25 pull through) for short term camping. In addition to the RV camping spaces, 14 tiny home cabins would be constructed. (See Figure 1 RV Park Resort Site Plan). The typical RV spaces are a concrete pad approx. 10 feet wide by 45 feet in length. The back in RV pads are 10 feet in width by 45 feet in length accessible from both sides. Each RV pad has an adjoining concrete patio 8 feet x 14 feet in length. A concrete vehicle parking area of 9 feet by 18 feet in length adjoins the RV parking facilities for owner vehicles.

**Access, Parking and Circulation:** As shown on Figure 1, the site would be accessed via a main gated entrance on Jackson Slough Road and gated emergency-only access at Georgiana Avenue.

**Clubhouse:** Additional user amenities would be located within the main clubhouse building of approximately ±3,250-square square feet including restrooms laundry facilities, recreation room, lounge area, check-in services, and a mini store to provide essential supplies for guests of the RV Resort. The clubhouse is proposed for guests of the RV Park Resort solely.

**Recreational Amenities:** The RV Park Resort will offer many amenities including a walking path throughout, a dog-friendly area, restrooms with showers, office check in, game room, coin laundry, bocce ball, fire pit areas, BBQ/picnic areas, an outdoor luxury pool, clubhouse/Lodge and, general store. The RV Park spaces will include full-service hookups, including electric, water, and sewer. Each space will consist of a concrete pad with landscaping framing each of the sites. Three (3) restroom facilities with showers will be situated throughout the site, including the clubhouse.

## **PLANNING REVIEW**

In accordance with Section 1301 of the Zoning Code, the City Council, on receiving recommendation from the Planning Commission, on November 6, 2019, interpreted, that certain uses, such as recreational vehicle parks and camp sites would be considered as a use that would be allowed with a conditional use permit in these zoning districts, and specifically this project site. Therefore, this project requires discretionary approval by the Planning Commission (recommendation) and approval by the City Council of a conditional use permit.

Article 14 of the Zoning Code provides criteria for Planning Commission review of Conditional Use Permits. This type of review considers the project's use, development intensity, and compatibility of the proposed use in relation to the neighborhood. All Conditional Use Permits are also subject to City Council approval upon recommendation of the Planning Commission. There is sufficient information in the project plans for this level of review.

Article 15 of the Zoning Code also requires Planning Commission Site Plan Review and approval. This review involves more detailed review of the project design, such as appearance, landscaping, lighting, signage, fencing, and other improvement details. The applicant is preparing more detailed plan to be submitted to the City for this review at a later time. Assuming the project is approved by the City Council, the next step will be final site plan review approval by the Planning Commission.

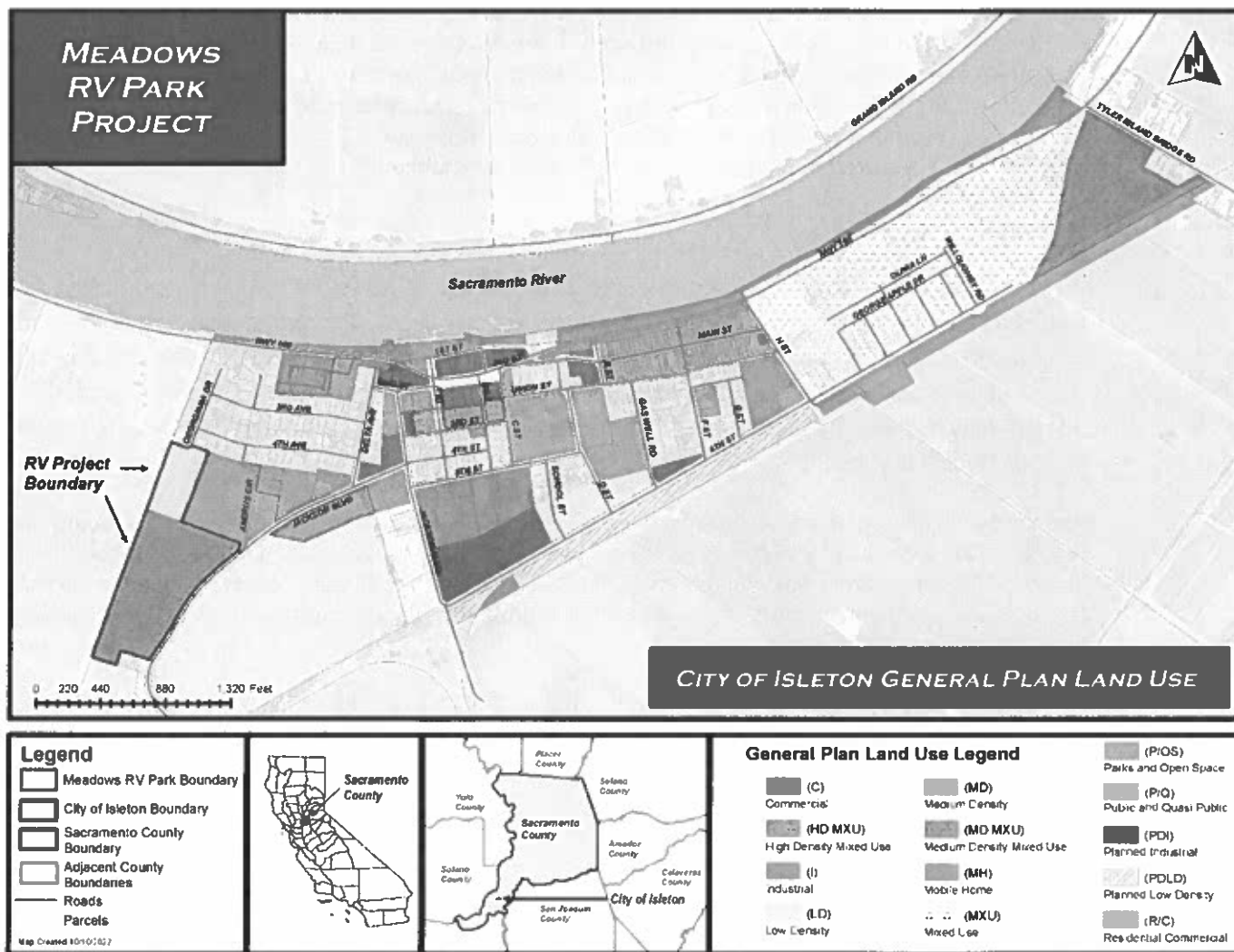
## **PROJECT EVALUATION**

**General Plan Consistency:** The General Plan designates the properties as Medium Density/Mobile Home (southern portion of 301 Jackson, 401 and 501 Jackson) and Low Density (the northern portion of 301 Jackson-see General Plan Table and Figure 12 General Plan Boundary Map). The Zoning for these properties is R-MH (Multi-family residential, Mobile Home) and R-1-7 (Single-family residential) respectively (see Table 1 and Map 2).

**Table 1, General Plan Land Use Designations by Assessor Parcel Number:**

<i>Situs-APN/Situs</i>	<i>Acres</i>	<i>Land Use Designations</i>
501 Jackson-157-0100-070	3.74 acres	Medium Density Residential/Mobile Home
401 Jackson-57-0100-071	0.76 acres	Medium Density Residential/Mobile Home
301 Jackson-157-0100-069 (Partial)	5.23 acres	Medium Density Residential/ Mobile Home
301 Jackson-157-0100-069 (Partial)	4 acres	Low Density Residential
<b>Total</b>	<b>13.73 acres</b>	

**Map 2, General Plan Land Use Map:**

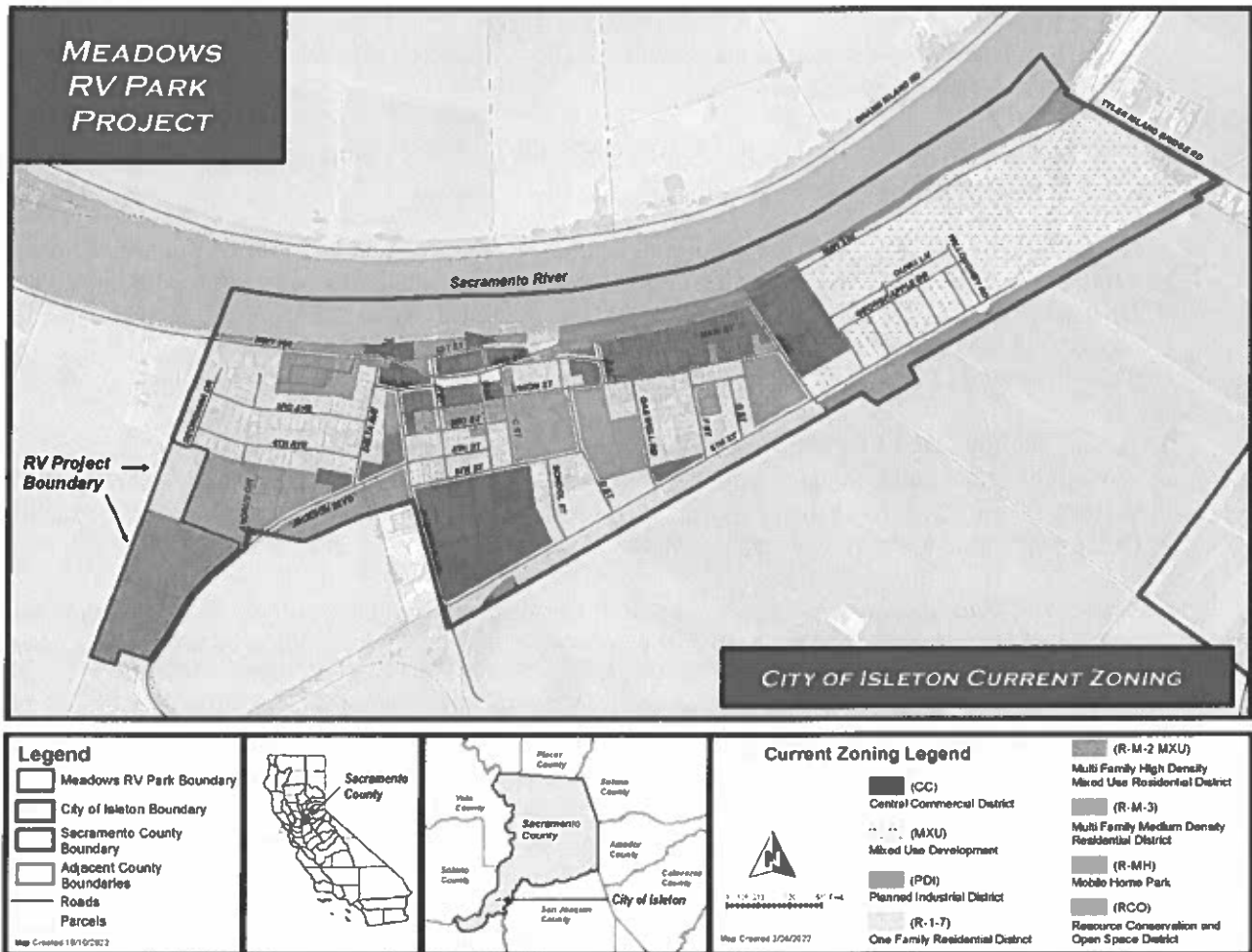


**Zoning Compliance:** The Zoning Code does not reference Recreational Vehicle Parks as a particular use in either RM-Medium Density/Mobile Home or R-1-7, One Family (maximum one dwelling per 7,000 square foot lot area) zone districts (see Table 2, and Map 3).

**Table 2, Zoning by Assessor Parcel Number:**

Situs/APN	Acres	Zoning
501 Jackson-157-0100-070	3.74 acres	Residential Multi-Family Residential Mobile Home (R-MH)
401 Jackson-57-0100-071	0.76 acres	Residential Multi-Family Residential Mobile Home (R-MH)
301 Jackson-157-0100-069 (Partial)	5.23 acres	Residential Multi-Family Residential Mobile Home (R-MH)
301 Jackson-157-0100-069 (Partial)	4 acres	Single Family Residential (R-1-7)/Multi-Family Residential Mobile Home (R-M)
<b>Total</b>	<b>13.73 acres</b>	

**Map 3, Zoning Map:**



As previously noted, the Planning Commission interpreted that recreational vehicle parks and camp sites would be considered as a use that would be allowed with a conditional use permit in these zoning districts (see Zoning Code excerpts below):

*City of Isleton Zoning Code Excerpts:  
Sec. 1301 - Addition of permitted uses*

*“Upon receipt of an application, or on its own initiative, the planning commission may, by resolution, add a use to the lists of permitted uses and conditional uses prescribed in articles 4 through 10 of this code, if the commission makes the following findings, as applicable:*

- A. That the addition of the use to the list of permitted uses will be in accordance with the purposes of the district in which the use is proposed.*
- B. That the use has the same basic characteristics as the uses permitted in the district*
- C. That the use reasonably can be expected to conform with the required conditions for the district.*
- D. That the use will not be detrimental to the public health, safety or welfare, or adversely affect the character of any district in which it would be located.*
- E. That the use will not create more vehicular traffic than the volume normally created by the uses permitted in the district.*
- F. That the use will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses permitted in the district.*
- G. That the use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the district.*

In accordance with Section 1407 of the Zoning Code, the Planning Commission must make the following findings to approve this conditional use permit:

- A. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
- B. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- C. That the proposed use will comply with each of the applicable provisions of this ordinance.

To assure that the City can make these findings, certain aspects of the project should be considered, such as providing certain conditions for neighborhood compatibility and safe public use as discussed further in this report. Please also refer to the project environmental assessment which provides a more detailed review of the project’s potential physical impacts on the environment (see Attachment B).

*Compatibility Wall Installation:* The Commission may want to consider requiring a wall, or some solid fencing to be constructed along the northeast perimeter of the site where it adjoins some houses. Also, a barrier of some kind might be considered along the northwest side of the site where there are agricultural operations to avoid impacts of these operations, such as spraying of insecticide on RV Park users. These improvements would help make the project more compatible with the neighborhood and, therefore, support the Commission’s findings for the Conditional Use Permit. Staff has included a possible condition for this wall in the Resolution approving the project. However, the Commission is welcome to reconsider this, add something different, or omit this optional condition completely.

*Use of Camp Fires:* The project plans shows campfire pits to be included in each RV space. Due to the proximity of the project to nearby residential uses and the potential air quality impacts from campfires, recommended conditions of approval have limited the project to utilizing some barbeques and some gas

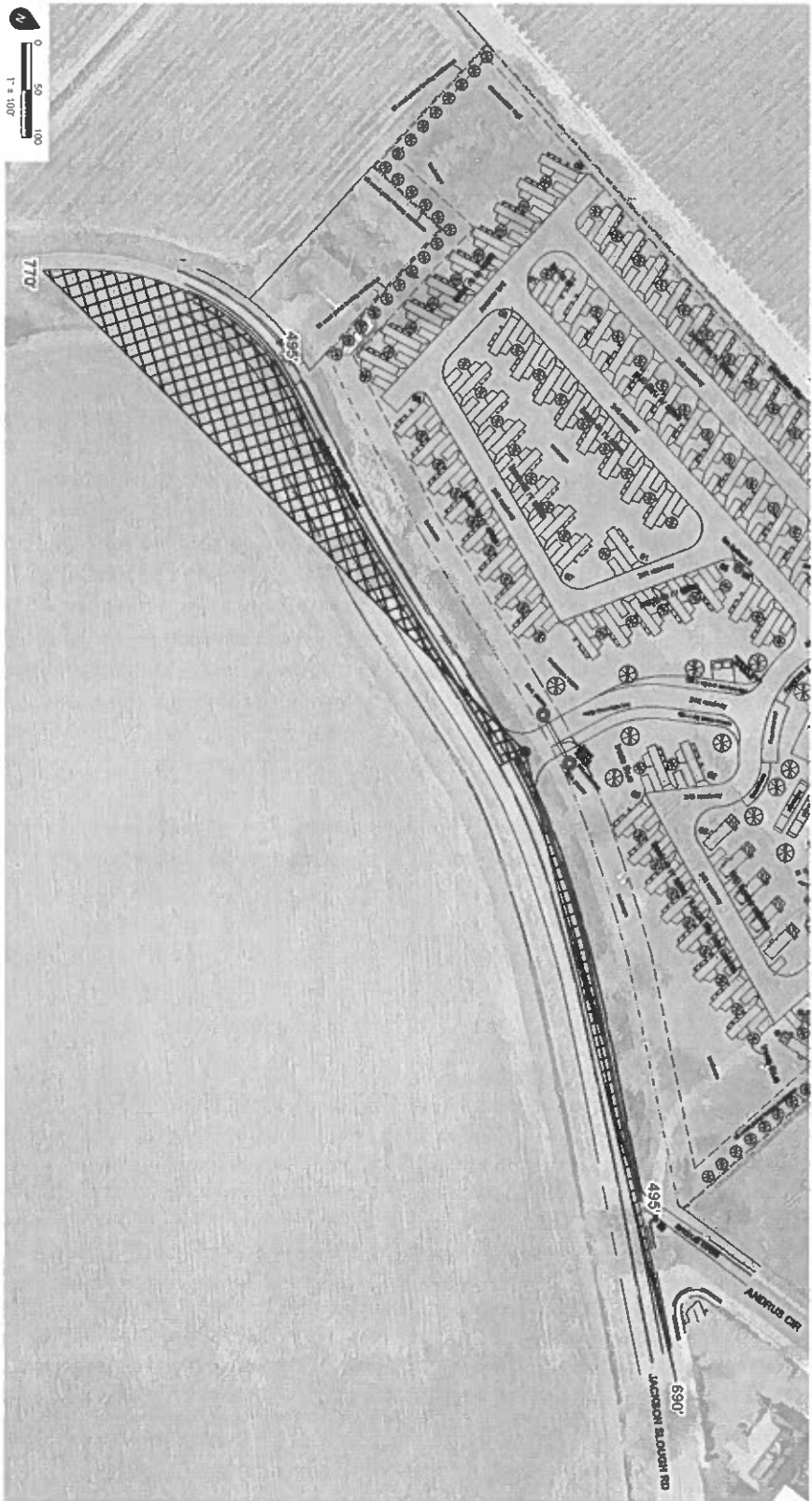
type appliances that are subject to approval of the Sacramento Metropolitan Air Quality Management District.

*Transient Occupancy:* As referenced in the environmental assessment, the River Delta Unified School District, noted concerns with the impact new students living at the proposed RV Park would have on District resources. In accordance with the City's Transient Occupancy regulations, except for the manager's residence, no customers are expected to permanently reside in the RV Park, so no students, except of the manager's residence would attend public schools. Consequently, staff coordinated with the District a draft condition of approval to limit occupancy to no more than 60 days. The District plans to submit an updated written response to concurring with this 60 day occupancy restriction before the Planning Commission meeting. The applicant did request less restrictive occupancy restrictions, noting several RV Parks in California either have 90 day limitations or none at all. The applicant expects many of their clientele to consist of "snowbirds" wanting an extended stay. Staff would be concerned that if there were no restrictions, the project could become a trailer park and become an enforcement problem to try to address.

*Traffic Congestion:* According to the Transportation Study was prepared by Ganddinni Group, Inc. dated August 31, 2022, the project is expected to generate forecast to generate approximately 311 daily trips, including 24 trips during the AM peak hour and 31 trips during the PM peak hour (see environmental assessment). Average daily traffic (ADT) on Jackson Slough Road is estimated as 1,250 trips per day. The project is not expected to reduce levels of service for vehicle travel in the City. The Study conducted a qualitative evaluation of vehicle trips generated based on the characteristics of the use and indicated that the project would produce primarily shorter trip lengths compared to visitors that would have to find accommodations elsewhere if the project is not constructed. Therefore the project is reasonably anticipated to result in either a net decrease or negligible effect on total vehicle miles traveled as compared to if the project were to be built as a multiple family housing development that it is zoned for.

*Access and Circulation Considerations:* The project would be accessed by a single driveway centrally located off of Jackson Road. According to the Transportation Study prepared by Ganddinni Group, Inc. the project has been determined to have adequate stopping sight distance to avoid collisions and the available intersection sight distance is provided for vehicles departing the project site driveway and is not anticipated to result in substantial disruptions to flow along Jackson Slough Road. However, the Study, nonetheless identified some potential sight distance issues with accessing the site due to the bend in the road and tree locations as follows:

"Ideally, intersection sight distance for left turn from stop would provide 770 feet of clear sight for RV vehicles based on a design speed of 55 miles per hour. As shown on Figure 3, the ideal intersection sight distance does not appear to be provided due to existing trees near the roadway bend at the south of the project site. This indicates there is adequate sight distance to avoid collisions, however, vehicles traveling on the major road may need to substantially slow down or stop to accommodate RVs exiting the site and turning left. In reality, vehicles exiting the bend are unlikely to be traveling at 55 miles per hour based on the advisory speeds of 30 miles per hour through this area. Additionally, the volume of vehicles exiting the project driveway is forecast to be relatively low, especially when considering only RVs making a left turn, and thus would have a minimal impact in terms of the likelihood of requiring northbound vehicles on Jackson Slough Road to substantially slow. For these reasons, adequate stopping sight distance is provided to avoid collisions and the available intersection sight distance for vehicles departing the project site driveway is not anticipated to result in substantial disruptions to flow along Jackson Slough Road."



- Legend**
- Stationing Sight Distance
  - Streamline Sight Distance
  - Restricted Use Area
  - Drivers Eye (10 feet setback from ramp extension and 3 feet right of centerline)

gordfi

**Figure 3**  
Project Driveway Sight Distance Analysis

Meadows of Nelson BV Report  
 Focused Transportation Study  
 1/24/21



*Construction Timing:* Section 1411 of the Zoning Code provides a one year approval for conditional use permits. Section 1412, however, allows the City to grant more time to a conditional use permit due to the character of the project, such as size, nature and complexity of the proposed development. Conditions of approval provide for an initial two year approval for this project with some opportunity for the Commission to grant an extension of time.

*Lot Line Conflicts:* The project site consists of several lot lines that conflict with proposed improvements to the park, such as buildings. Conditions of approval for this Conditional Use Permit includes a requirement to either merge or adjust lot lines so there are not conflicts.

*Grading:* The preliminary grading plan calls for  $\pm 24,823$  cubic yards of cut and  $\pm 19,198$  cubic yards of fill resulting in an excess of  $\pm 5,625$  cubic yards of soil (see Attachment B, Initial Study for more details). The excess material is proposed to be used on-site for landscaping. Due to the relatively level topography/ no retaining walls are proposed with the project. However, just to be sure conditions include some provisions for addressing retaining walls in the event the final grading plan proposes these features. The site will be graded in compliance with ADA site accessibility standards. Detailed grading plans shall be required as part of the project construction permitting.

*Drainage:* A Preliminary Drainage Analysis was prepared to show that storm water treatment facilities were sized using a storage requirement for impervious surfaces constructed on the site (see Attachment B, Initial Study for more details). The CEQA Initial Study was circulated for review by the Prior to issuance of a grading or building permit, clearances for off-site drainage from the project may be required by the Brannan Andrus Levee Maintenance District and Reclamation Districts 407 and 556. It is not clear whether or not the project will result in increased concentrated drainage off-site since most of the site is proposed to be developed and there does not appear to be sufficient room to detain stormwater on site. A condition of approval has been added to have the City Engineer review more detailed drainage plans and possibly contact these Districts to evaluate sufficient capacity to accept additional drainage from the project site.

*Domestic Water Supply:* Treated water is available and will be provided by Cal America Water. Cal America indicated that they do have capacity to provide water to this project.

*Fire Suppression Water Supply:* Fire hydrants will be installed centrally in the subject property. These fire hydrants will be feed from a dedicated 6" water supply line to meet the required fire flow requirements. This fire supply line will be fed by Cal Water's distribution system. Cal Water's system will meet the required 1,500 gpm for a 2-hour duration in accordance with City of Isleton's Fire Department standards. (see approval letter in Attachment B, Initial Study).

*Sanitary Sewer:* Every RV site is proposed to have sewer hookup. The project may or may not connect to the City's sanitary sewer service. If City sewer is utilized, the closest tie-in to the City's sewer system is approximately  $\pm 150$  feet from the site/ near the Georgiana Dr. / 4<sup>th</sup> Ave Road intersection. However, if the project doesn't not connect to City Sewer, the project site can accommodate a septic system.

*Dry Utilities:* Dry utilities (i.e., natural gas, electrical supply, telephone/ cable) are located along. The exiting overhead powerlines that run north/south through the property will be undergrounded and rerouted on-site concurrently with site development.

*HCD Review:* In accordance with the California Code of Regulations, prior to building permit issuance, the proposed RV Park is subject to approval by the California Department of Housing and Community Development:

<chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://www.hcd.ca.gov/manufactured-mobile-home/mobile-home-parks/docs/hcdmp514.pdf>

The proposed conditions of approval for this conditional use permit includes requiring clearances be obtained from HCD.

*Site Plan/Design Review:* Project details, such as architecture and design of all permanent structures, exterior lighting, fencing, garden and retaining walls, other walls, signs, trash enclosures, dump station, propane gas dispensary, equipment and storage yards, and landscaping are subject to site plan approval by the Planning Commission in accordance with Article 15 of the Zoning Code. The applicant is in the process of assembling project details that respond to these details and plans to submit this application to the City once the conditional use permit is secured.

## **ENVIRONMENTAL DETERMINATION**

In accordance with CEQA requirements, an Environmental Assessment/Initial Study has been prepared for the proposed project with the conclusion that a Mitigated Negative Declaration (MND) is the appropriate document per CEQA regulations. The Final Initial Study/Proposed MND (Attachment B) concludes that any potentially significant adverse environmental impacts from the project would be reduced to a level of non-significance subject to a number of mitigation measures. This study includes technical studies, such as cultural, biological, and traffic analysis. A number of mitigation measures have been included in the document that the applicant has agreed to. In accordance with CEQA, the Planning Commission will need to concur with the adequacy of the Final Initial Study/MND and proposed mitigated negative declaration before taking action to approve the project.

Staff released this study to the Planning Commission for preliminary review a few weeks before the meeting to provide adequate time for their review. After discussion with the River Delta Unified School District regarding their concerns with occupancy, the document was further updated with reference to this more recent communication.

*Recommended Reading Approach for the Initial Study Document:* For easier reading of this initial study document, it is recommended that the reader start with Page 45 of the document (where the original draft begins). The final incorporates changes to the draft in track changes. Then, move to the beginning of the document which includes all the public agency comments the City received during public circulation. Following that, there is a mitigation monitoring program that summarized all mitigation measures and how they will be implemented.

## **PUBLIC AND AGENCY COMMENT**

The project was reviewed by City staff, including the City Administrator/City Engineer and Fire Chief to provide technical evaluation and to consider design requirements by code. The project was circulated for public agency comment between with the CEQA Initial Study, between December 6, 2022 and January 20, 2023. This circulation included distribution to the California Clearinghouse, local agencies and Native American Tribes (from Native American Heritage Commission Native American Contact List). All agency comments received during this circulation are referenced in the final CEQA Initial Study and included comments from the California Department of Toxic Substances Control (CDTS), the Regional Water Quality Control Board (RWQCB), and the River Delta Unified School District. All comments were then responded to in the form of updates to the Initial Study. The School District was most concerned with the potential impact of student attendance to the School from the RV Park. The City's response is to place a condition of approval in the conditional use permit that restricts occupancy to temporary (30 days or less). Conditions of approval include addressing site soil testing and possible remediation (CDTS) and hydrologic requirements (RWQCB). The project was subsequently noticed for a public hearing at least ten days before the meeting in the newspaper and noticing sent by mail to all property owners within a 300 foot radius of the project site. The environmental document was also circulated to various public agencies for review. Any public comments received after this report is circulated to the Commission will be provided to all Commissioners before the meeting.

## **PREVIOUS REVIEW**

The Planning Commission and City Council previously approved a Conditional Use Permit CUP 07-19 for a commercial lavender cultivation operation on 2.5 acres of the project site consisting of in early 2020. 14 of the Zoning Code. It appears that the lavender farm was activated with signs of growing, but there has not been a lot of recent agricultural activity on the site that staff could see.

## **FINDINGS AND CONDITIONS**

Attachment A of this staff report consists of Planning Commission Resolution PC 001-23 which includes a number of findings and conditions necessary for the Commission's recommendation of approval to the City Council.

## **RECOMMENDATION**

The Planning Commission should hold a public hearing, consider the applicant's, staffs and public comments and approve Planning Commission Resolution PC 02-23 (based on findings and subject to conditions) and recommend this item to the City Council. Or the Commission may continue this item with further direction to staff. Should the Commission choose to recommend denial of the project, the item should be continued with direction to staff to prepare findings for this action.

Attachments    A-Planning Commission Resolution of Approval  
                    B- Initial Study/Mitigated Negative Declaration

**Exhibit A – Planning Commission Resolution**

**RESOLUTION PC001-23**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ISLETON RECOMMENDING APPROVAL TO THE CITY COUNCIL OF  
CONDITIONAL USE PERMIT CUP 01-23  
FOR AN RECREATIONAL VEHICLE PARK ON 13.73 ACRES**

The Planning Commission of the City of Isleton hereby finds as follows:

**WHEREAS**, on October 21, 2022, Sandeep Lidder (“Applicant”) submitted a planning application to the City of Isleton for Conditional Use Permit CUP 01-23, for construction and operation of a 121 space Recreational Vehicle (RV) park with related improvements consisting of a lodge, and 14 small home rental cabins on 13.73 acres at 301, 401, 501 Jackson Slough Rd Street, Isleton, CA, Assessor Parcels 157-0100-069-0000, 157-0100-070-0000 & 157-0100-071-0000 (“Project”); and

**WHEREAS**, the Project application was submitted in accordance with the Article 14 of the Zoning Code, based on an interpretation of allowing RV parks in residential zones with a conditional use permit made by the Planning Commission and the City Council in 2020; and

**WHEREAS**, in accordance with Section 1407 of the Zoning Code, the Planning Commission finds that the proposed project, under this conditional use permit and subject to conditions of approval, is consistent with the following:

- a. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
- b. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- b. That the proposed use will comply with each of the applicable provisions of this ordinance; and

**WHEREAS**, A duly noticed public hearing to consider the project was advertised for February 8, 2023; and

**WHEREAS**, The Planning Department prepared an Initial Study and Mitigated Negative Declaration as the appropriate environmental review in accordance with the California Environmental Quality Act (CEQA). Mitigation Measures were incorporated into the project to fully mitigate all potentially significant impacts on the environment; and

**WHEREAS**, the City has independently reviewed, analyzed, and considered the Initial Study and Mitigated Negative Declaration prior to making its decision on the project. The Mitigated Negative Declaration reflects the independent judgement of the City of Isleton, as lead agency; and

**WHEREAS**, the proposed conditional use permit (incorporating mitigation measures for the project’s Mitigated Negative Declaration) and subject to certain Conditions of approval complies with all standards of the Zoning Code and is consistent with the General Plan; and

**WHEREAS**, at said hearing, the Planning Commission considered the staff report dated February 15, 2023, including the Mitigated Negative Declaration; and

**WHEREAS**, on February 21, 2023, the Planning Commission conducted a public hearing on this Conditional Use Permit CUP 01-23.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Isleton Planning Commission that:

**Section 1.** The Planning Commission adopts the above Recitals as its findings with respect to the Project; and

**Section 2.** The Planning Commission recommends the City Council approve the Conditional Use Permit CUP 01-23 for the project based on the findings made below and subject to the Conditions of approval: Sandeep Lidder Conditional Use Permit CUP 01-23, located at 301, 401, 501 Jackson Slough Rd, Isleton, CA, Assessor Parcels 157-0100-069-0000, 157-0100-070-0000 & 157-0100-071-0000 subject to the following Conditions of Approval:

**Planning Commission Recommended Conditions of Approval for Conditional Use Permit CUP 01-23**

**A. GENERAL CONDITIONS OF APPROVAL:**

1. This approval shall be for two (2) years and shall expire on **(to be filled in later: two years from final City Council Approval)**, unless the project has been effectuated (i.e., a building permit has been issued) or the applicant requests a time extension that is approved by the Planning Commission pursuant to the Zoning Code.
2. Prior to the issuance of grading and/or building permits, the applicant shall secure approval of Site Plan Review approval in accordance with the Zoning Code. The Site Plan Review Application plans shall be substantially consistent with the site plan lay-out under this conditional use permit, but will include more details, such as the architecture and design of all permanent structures, exterior lighting, fencing, garden and retaining wall, other walls, signs, trash enclosures, dump station, propane gas dispensary, equipment and storage yards, and landscaping.
3. The Project is approved as a Transient Occupancy Use as defined in Chapter 3.16 et. seq. of the City's Municipal Code and shall be subject to the City's Transient Occupancy Tax. As a Transient Occupancy Use, tenants shall not occupy the RV sites or lodging quarters for a duration exceeding sixty (60) consecutive days. Within each of the RV sites no permanent structures shall be constructed, including, but not limited to decks, storage buildings, awnings, etc, unless first approved by the City (and the California Department of Housing and Community Development if applicable).
4. Prior to the issuance of grading and/or building permits, the applicant shall execute a financing plan with the City in accordance with Chapter 3.56, Financial Plan for Development Projects, of the Municipal Code.
5. Recurring noise violations as defined under Chapter 6.44 of the Isleton Municipal Code shall be grounds for revocation of this use permit by the determination of the Planning Commission.
6. Campfires shall not be permitted due to air quality impacts and nuisances to surrounding residents. However, some barbecues, and gas appliances, may be used as approved by the Sacramento County Metropolitan Air Quality Management District.
7. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within (5) days after the approval date of the project. The applicant shall provide a copy of the notice to the City.
8. The applicant agrees to defend, indemnify, and hold harmless the City in any action or proceeding brought against the City to void or annul this discretionary land use approval.

## **B. OTHER AGENCY APPROVALS:**

1. The applicant shall submit an application with the State Housing and Community Development Department (HCD) for review and approval of building, electrical, plumbing, and mechanical permits for the project.
2. As outlined in the January 4, 2023, letter from the Central Valley Regional Water Quality Control Board (CVRWQCB), all permits and/or clearances shall be obtained and disclosed to the prior to City issuance of any grading and/or building permit.
3. As outlined in the January 6, 2023, letter from the California Department of Toxic Substances Control (CDTSC), all recommended measures shall be taken regarding studies, review, possible remediation, of on-site and off-site soils used by the project. Clearances, if required by the CDTSC shall be secured and disclosed to the prior to City issuance of any grading and/or building permit.
4. School Impact Fees shall be collected at the time of building permit issuance for the project for the manager's quarters and any permanent housing developed within the project.
5. The applicant shall secure clearances from Sacramento County Environmental Health Division permits relevant to the project, including, but not limited to any commercial food facilities, such as prepared food, retail sales of food, maintenance storage of materials and/or hazardous materials/wastes.
6. Prior to issuance of a grading or building permit, clearances for off-site drainage from the project may be required by the City Engineer from the Brannan Andrus Levee Maintenance District and Reclamation Districts 407 and 556.
7. Prior to issuance of a grading or building permit, water connection clearances shall be obtained from Cal American Water Company's municipal water system and submit to the City Engineer evidence that all clearances have been obtained.
8. If the project involves development of a septic system for collection and disposal of sewer, prior to issuance of a grading or building permit, an engineered septic system design plan shall be submitted for review and approval by the Sacramento County Health Division and the City Engineer. The collection and disposal system shall be constructed in accordance with the approved design plans and shall demonstrate proper function prior to issuance of a certificate of occupancy for the project.
9. No amplified music and/or voice shall be allowed on the project site (Also is Mitigation Measure NOI-6).

## **C. PRIOR TO ISSUANCE OF A GRADING PERMIT, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

1. The applicant shall submit to the City Engineer for review and approval, drainage plans and hydrologic and hydraulic calculations All construction building pad will be required to comply with Chapter 5.52 of the Municipal Code regarding Flood Damage Protection.
2. The applicant shall submit to the City for review and approval, an improvements and grading plan prepared by a Registered Civil Engineer licensed by the State of California; shall obtain a Grading Permit; and shall pay all appropriate fees for plan check and inspection. The grading and improvement plans shall include but not be limited to roadway/driveway slopes and elevations, curb, gutters, sidewalks, striping and signing, paving, water and sewer pipelines, storm drains, street parking lot lights, accessible access from the sidewalk to the building and from the accessible parking spaces to the building, retaining walls,

any necessary alteration of existing utilities, and all easements, in accordance with City improvement Standards.

3. The applicant shall submit to the City for review and approval two copies of a detailed Soils Engineering Report and Engineering Geology Report certified by a Civil Engineer registered in the State of California. In addition to the California Building Code requirements, the report shall specify the pavement structural sections for the proposed roadways in relation to the proposed traffic indexes. The improvements and grading plans shall incorporate the recommendations of the approved Soils Engineering Report and Engineering Geology Report. The project developer shall retain a civil engineer, soils engineer, and engineering geologist to provide professional inspection of the grading operations. If work is observed as not being in compliance with the California Building Code and the approved improvements and grading plans, the discrepancies shall be reported immediately in writing to the permittee, and the City Engineer.
4. If any retaining walls or other wall structures equal to or greater than four feet in height (from the base of the footing to the top of the wall) are identified on the grading/improvement plans, the applicant shall:
  - a. Place a note on the grading/improvement plans stating that any walls equal to or greater than four feet in height will require a Building Permit prior to being constructed.
  - b. Submit design calculations for the wall(s) for review and acceptance.
  - c. If the proposed wall(s) are to be constructed against a cut slope, in a manner of which will not meet minimum OSHA requirements, submit:
    1. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer identifying a temporary shoring plan and how the cut slopes for the walls will be protected from the weather during construction.
    2. A signed and stamped letter from a Licensed Civil Engineer or Geotechnical Engineer stating that a copy of the required OSHA Permit will be supplied to the City prior to any excavation on the site and that a qualified OSHA Approved inspector or Professional Civil Engineer will:
      - a. be onsite during excavation and construction of the retaining walls;
      - b. be onsite at least once a day during inclement weather; and
      - c. will submit daily reports to the City.
5. The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge identification number, issued by the state, to the City Engineer (also refer to Mitigation Measure HY/WQ-1).
6. Measures shall be implemented for site design, source control, runoff reduction, and storm water treatment (also see Mitigation Measure HY-/WQ-2)
7. A detailed grading, permanent erosion control plan shall be submitted for review and approval by the City Engineer prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans (also see Mitigation Measures HY-/WQ-2).
8. If the project involves connection to the City's public sewer system, the applicant shall submit sewer calculations for review and approval by the City Engineer for the proposed development and any calculations necessary to verify the existing sewer system's ability to carry the additional flow created by the development.
9. All lots within the project site shall be merged so there are not conflicts with buildings, circulation, and parking between parcels. This shall require submittal to the City for review and approval of a lot line adjustment or parcel merger and recording of this merging verified with the City Engineer.

**OPTIONAL CONDITION (based on Planning Commission determination):**

**10. A minimum six 6 foot tall solid concrete/block wall shall be installed along the perimeter of the site, where it adjoins residential development to reduce noise and potential nuisance impacts from activities in the RV Park. Also, a solid fence shall be installed along the northwesterly side of the project site to minimize agricultural impacts on RV Park uses, such as pesticide spraying. Details of these features shall be included with the Site Plan Review application (subject to Planning Commission approval). Wall/fencing plans shall be included in the project building plans and installed in accordance with the approved plans prior to occupancy of the park.**

**D. PRIOR TO INITIATING GRADING AND/OR CONSTRUCTION OF THE SITE IMPROVEMENTS, THE DEVELOPER SHALL INITIATE THE FOLLOWING:**

1. That prior to any work being conducted within City right-of-way, an encroachment permit shall be secured from the City.
2. A minimum of forty-eight (48) hours prior to commencement of grading activities, the developer's contractor shall notify the City Engineer of the intent to begin grading operations. Prior to notification, all grade stakes shall be in place identifying limits of all cut and fill activities. After notification, the City Engineer shall be provided the opportunity to field review the grading limits to ensure conformity with the approved improvement and grading plans. If differences are noted in the field, grading activities shall be delayed until the issues are resolved.
3. Submit for review and approval by the Fire Department, a Fire Safety Plan.

**E. DURING CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL APPLY:**

1. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the solid and/or geologic investigation report, or were such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted by the applicant, for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
2. No trucks may transport excavated material off-site unless the loads are adequately wetted and either covered with tarps or loaded such that the material does not touch the front, back, or sides of the cargo compartment at any point less than six inches to the top of the cargo compartment. Also, all excavated material must be properly disposed of as approved by the City Engineer. Any soil removed and disposed of from the site, or soil imported to the site shall be subject to clearances as outlined in the January 6, 2023, letter from the California Department of Toxic Substances Control (CDTSC).
3. The contractor shall comply with all Occupational Safety & Health Administration (OSHA) requirements. For any public work, the contractor shall comply with all Department of Industrial Relations (DIR) requirements including complying with prevailing wage requirements.

**F. PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND EXONERATION OF BONDS, OR OTHER FORM OF SECURIW, THE FOLLOWING CONDITIONS SHALL BE SATISFIED:**

1. A Warranty and Guarantee security guaranteeing the public improvements for a period of one year in the amount of 10% of the total improvement costs.



2. The applicant shall offer to dedicate to the City for public use, all the public streets right-of-way or easements necessary to install, maintain, and re-install all public improvements described on the improvements and grading plans, if any. All offers of dedication must be recorded and a copy provided to the City Engineer.
3. The applicant shall sign and record a covenant and agreement to ensure that the onsite storm water facilities will be maintained by the property owner(s).
4. The applicant shall submit "As-built" plans, signed by the Engineer of Record, to the City Engineer on Mylar and a CD with an AutoCAD (or equivalent) drawing of the public improvements.
5. Submit a final report prepared by the soils engineer, in accordance with the California Building Code, to the City Engineer.
6. The grading contractor shall submit a statement of conformance to the as-built plans and specifications. Statement must meet intent of the California Building Code. An example follows: "As the grading contractor, I confirm that all improvements were constructed as shown on these improvement plans. Include the signature, company, and date.

#### **G. PRIOR TO THE CITY ISSUING A CERTIFICATE OF OCCUPANCY:**

1. All site improvements shall be completed in accordance with the improvements and grading plans as determined by the City Engineer, Building Official and Fire Chief.

#### **H. MITIGATION MEASURES (Refer to CEQA Initial Study/Mitigated Negative Declaration on file with the City):**

##### *AIR QUALITY:*

AIR-1 Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of fugitive dust or other methods approved by the Sacramento Metropolitan Air Quality Management District (SMAQMD). Prior to initiating soil removing activities for construction purposes, the applicant shall pre-wet affected areas for adequate dust control.

AIR-2 Driveways, access roads and parking areas shall be surfaced in a manner so as to minimize dust. The applicant shall obtain all necessary encroachment permits for any work within the right-of-way. All improvement shall adhere to all applicable federal, State and local agency requirements.

AIR-3 Any disposal of vegetation removed as a result of lot clearing shall be lawfully disposed of, preferably by chipping and composting, or as authorized by the Sacramento Metropolitan Air Quality Management District (SMAQMD) and the City Fire Chief.

AIR-4 During construction activities, the applicant shall remove daily accumulation of mud and dirt from any roads adjacent to the site.

AIR-5 Grading permits shall be secured for any applicable activity from the City of Isleton Building Department. Applicable activities shall adhere to all grading permit conditions, including Best Management Practices. All areas disturbed by grading shall be either surfaced in manner to minimize dust, landscaped or hydro seeded. All BMPs shall be routinely inspected and maintained for life of the project.

AIR-6 Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize

airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.

**AIR-7** If construction or site activities are conducted within Serpentine soils, a Serpentine Control Plan may be required. Any parcel with Serpentine soils must obtain proper approvals from SMAQMD prior to beginning any construction activities. Contact SMQMD for more details.

**AIR-8** All engines must notify Sacramento Metropolitan Air Quality Management District (SMAQMD) prior to beginning construction activities and prior to engine Use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements.

#### ***BIOLOGICAL RESOURCES:***

**BIO-1** Grubbing, grading, or other soil/vegetation disturbance within 250 feet of the Himalayan blackberry brambles will not occur during the tricolored blackbird nesting season (March 15 through July 30). All project soil/vegetation disturbance will occur between August 1 and March 14 to the extent feasible. Alternatively, if project-related soil/vegetation disturbance is scheduled to occur between March 15 and July 30, surveys will be conducted for prospecting or nesting tricolored blackbird colonies in all potentially suitable nesting habitats that are within and out to 250 feet from the project boundaries. The surveys will be conducted by a qualified biologist during the season immediately preceding initiation of the proposed project. The surveys will be conducted according to the following schedule: a total of two visits during March 15 to July 30 with at least one month between survey visits. If nesting colonies are found prior to initiation of project soil/vegetation disturbance in the year of the survey, a no work exclusion zone will be established within 250 feet of each active nesting colony until a qualified biologist determines that the young-of-the-year are no longer reliant upon the nest site.

Alternatively, the project applicant may retain a qualified biologist to conduct daily monitoring of any active nesting colonies that are within 250 feet or less from project soil/vegetation disturbance to determine if the individuals are exhibiting any behaviors that would suggest that nest failure could occur. If the qualified biologist determines that disturbance is sufficient to cause nest failure, all activities within 250 feet of the nesting colony will be terminated until the young-of-the-year are no longer reliant upon the nest.

**BIO-2** To compensate for the loss of known nesting habitat for tricolored blackbird on the project site, the project applicant will plant Himalayan blackberry at a minimum 2:1 compensation ratio. The compensation stands of Himalayan blackberry will be sited on the nearest suitable land to which the project applicant has access or on nearby alternative land on which the project applicant has acquired a conservation easement acceptable to the CDFW. Compensation sites will be chosen to avoid any loss of existing natural wetland communities. Annual monitoring of the compensation stands will be conducted to determine if tricolored blackbirds are utilizing the compensation habitat. If no evidence of utilization has been found after five years of monitoring, the project applicant will be required to plant additional Himalayan blackberry at a minimum 1:1 compensation ratio on other lands where there is no active episodic human disturbance that would preclude tricolored blackbirds from settling and nesting in the compensation habitat.

**BIO-3** If construction activities occur during the bird nesting season (February 1 – August 31), preconstruction nesting bird surveys (2 visits at least 1 week apart) will be conducted by a qualified biologist within the 14 days prior to construction to detect the presence of any nesting birds within or adjacent to the proposed project (within 200 feet of the project site). If construction/maintenance activities occur during the non-breeding season for birds (September 1 – January 31), preconstruction surveys will not be required. If the preconstruction nesting bird surveys detect actively nesting birds, the results of the surveys shall be submitted to the CDFW within three days of completing the surveys. If any active nests of loggerhead shrike, song sparrow, or other nesting birds afforded protection under California Fish and Game Code § 3503 are found onsite, the applicant will avoid initiating any construction activities within

less than 200 feet from each nest until nesting has been completed and the young are no longer reliant upon the nest as determined by a qualified biologist.

BIO-4 Preconstruction surveys for nesting Swainson's hawk, white-tailed kite, and other raptors will be conducted consistent with the Biological Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFG 1994) if construction is initiated between March 1 and September 15. If an active Swainson's hawk, white-tailed kite, or other raptor nest is detected during preconstruction surveys, a no-disturbance buffer zone of 500 feet will be implemented during the nesting season (March 1 to September 15) or until August 15 if Management Authorization is provided by the CDFW (2000). Furthermore, a nest monitoring plan will be developed and implemented for all active nests within 500 feet. If monitoring demonstrates that nesting individuals are being adversely affected, the no-disturbance zone will be increased in 100-foot increments until all adverse effects are eliminated. No mitigation is required if the proposed project is constructed/initiated during the non-nesting season for Swainson's hawk, white-tailed kite, or other raptors (i.e., September 16 to February 28).

#### *CULTURAL RESOURCES:*

CUL-1 Prior to the start of construction, the Meadows of Isleton shall hold a pre-grading meeting with contractors. A Project Archaeologist (identified by the City) shall attend the pre-grading meeting with contractors to conduct a Cultural Resources Worker Sensitivity Training for all construction personnel working on the proposed Project. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated, and any other appropriate protocols. The City shall also be notified of this training so City staff can attend and/or monitor this training.

CUL-2 If prehistoric or historic-period archaeological deposits are discovered during Project activities, all work within 25 feet of the discovery should be redirected and the archaeologist should assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Impacts to archaeological deposits should be avoided by Project activities, but if such impacts cannot be avoided, the deposits should be evaluated for their California Register eligibility. If the deposits are not California Register-eligible, no further protection of the finds is necessary. If the deposits are California Register-eligible, they should be protected from Project-related impacts, or such impacts should be mitigated. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits, recording the resource, preparation of a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.

CUL-3 Should paleontological resources be identified on the Project site during any ground disturbing activities related to the Project, all ground disturbing activities within 100 feet of the discovery shall cease and the City of Isleton shall be notified within 24 hours of the discovery. The Project applicant shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the Project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, Project design, costs, specific plan policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

CUL-4 Any human remains encountered during Project ground-disturbing activities should be treated in accordance with California Health and Safety Code Section 7050.5. The lead agency should inform its

contractor(s) of the sensitivity of the Direct Area of Potential Effect for human remains and verify that the following directive has been included in the appropriate contract documents:

If human remains are encountered during Project activities, the Project shall comply with the requirements of California Health and Safety Code Section 7050.5. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the county coroner has determined the manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation or to his or her authorized representative. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel/ construction workers shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

#### *GEOLOGICAL RESOURCES:*

GEO- 1 The project shall adhere to all recommendations and treatments contain in the Geotechnical Engineering Report prepared by Mid Pacific Engineering, Inc. included as Appendix E. in this ISMND.

GEO-2 Prior to site plan approval, a preliminary soils report shall be submitted to the City, prepared by a California licensed civil engineer. The report shall include evaluation of adequate test borings. Additional measures may be added by the City to mitigate potential geologic/soil conditions on the site to accommodate development. If the report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation may be required by the City Engineer. Such soils investigation shall be done by a California licensed civil engineer, who shall recommend the corrective actions which will prevent structural damage to any structure proposed to be constructed in the area where such soils problem exists.

GEO-3 Prior to any ground disturbance and/or operation, the applicant shall submit Erosion Control and Sediment Plans to the City for review and approval. The project shall incorporate Best Management Practices (BMPs) consistent with the City Code and the State Storm Water Drainage Regulations to the maximum extent practicable to prevent and/or reduce discharge of all construction or post-construction pollutants into the local storm drainage system.

GEO-4 Prior to any ground disturbance, (if applicable), the applicant shall submit and obtain a Grading Permit from the City in accordance with the City of Isleton Municipal code(s). Plans for grading shall include disclosure of location and method of treatment/storage of exported materials.

GEO-5 The applicant shall monitor the site during the rainy season including post-installation, application of BMPs, erosion control maintenance.

#### *HYDROLOGIC AND WATER QUALITY:*

HY/WQ-1 Prior to the issuance of a grading permit, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City for acceptance, file a Notice of Intent with the California Water Quality Control Board and comply with all provisions of the Clean Water Act. The applicant shall submit the Waste Discharge Identification (WDID) number, issued by the state, to the City of Isleton. This plan shall demonstrate the drainage basin has capacity to accommodate any additional increase in peak runoff from the project beyond what is existing and that any increase of runoff off the site is approved by agencies that control regional drainage.

**HY/WQ-2** Prior to the issuance of a grading permit, a detailed grading, permanent erosion control and landscaping plan shall be submitted for review and approval by the Planning/Engineering Division prior to commencing grading. Erosion control measures shall be implemented in accordance with the approved plans.

***NOISE EXPOSURE:***

**NOI-1** All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers, consistent with manufacturer standards.

**NOI-2** All stationary construction equipment shall be placed so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

**NOI-3** As applicable, all equipment shall be shut off when not in use.

**NOI-4** To the degree possible, equipment staging shall be located in areas that create the greatest distance between construction-related noise and vibration sources and sensitive receptors surrounding the project site.

**NOI-5** Jackhammers, pneumatic equipment, and all other portable stationary noise sources shall be directed away from existing residences east of the project site. Either one-inch plywood or sound blankets can be utilized for this purpose. They shall reach up from the ground and block the line of sight between equipment and the nearest off-site residences. The shielding shall be without holes and cracks.

**NOI-6** No amplified music and/or voice shall be allowed on the project site.

**NOI-7** Haul truck deliveries shall not occur outside of the hours presented as exempt for construction per City's Municipal Code Section 6.44.010.

**NOI-8** The use of a vibratory roller within 20 feet and large bulldozer within 12 feet of the existing residential structures to the north and south of the project site shall be limited to avoid significant impacts.

**Exhibit B – Final Draft Initial Study and Mitigated Negative Declaration**

Insert here

# City of Isleton

## Planning Commission Staff Report

DATE: February 21, 2023

ITEM#: 7.A

CATEGORY: New Business

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### **GENERAL PLAN IMPLEMENTATION POLICY 01-23; CITY POLICY FOR INTERIM MINISTERIAL REVIEW OF CERTAIN HOUSING DEVELOPMENT PROJECT IN COMPLIANCE WITH HOUSING ELEMENT**

**SUMMARY:** The Planning Commission and City Council approved/adopted the 6<sup>th</sup> Cycle, 2021-29 Housing Element, in October, 2022. This document was then submitted to the California Department of Housing and Community Development (HCD) for final certification. On December 5, 2022, HCD notified the City via email that they would certify the Housing Element with a change to Action H-2.2 which requires ministerial review of housing projects located on target vacant land in the City (refer to the attached email correspondence and letter from HCD-Attachments 2 and 3). The Housing Element documents (Policy and Background Reports) have been updated to incorporate this added Action:

**Refer to:** <https://cityofisleton.com/departments/planning-department/>

The Zoning Code currently requires site plan review for all development in the City, except for single family home development to be approved by the Planning Commission discretionarily to ensure it is attractive and compatible with the neighborhood. Also, Architectural Design Review is required for all development in the City for similar reasons. Action H-2.2 exempts this public review and limits staff's ability to approve projects on two low income target parcels. To ensure that development on these parcels meets the intent of site plan and architectural review of the Zoning Code the City needs some interim design standards.

**NEW INTERIM PLANNING REVIEW POLICY:** Action H-2.2 (see Attachment 4), as amended by HCD limits development review on five parcels consisting of approximately 6.1 vacant acres in the City for contemplated development (or development capacity) of 49 affordable housing units to staff review for compliance with minimum objective development standards of the Zoning Code, such as maximum building height, building setbacks, and off-street parking. In keeping with the intent of Chapter 1501 of the Zoning Code, regarding Site Plan Review, City Policy 01-23 has been drafted for Planning Commission and City Council approval. This policy includes certain objective design standards to these parcels (to be implemented by staff as ministerial review of building permits) in the event the City receives a development applications affordable housing projects-defined as having a minimum 20% of the units reserved for lower income households (see Attachment 1).

Please note that other housing projects (other than affordable housing development) that comply with the required density under the General Plan, could be developed on these two, target lots. Such development would have to undergo site plan approval by the Planning Commission, and therefore, not be subject to the interim planning review policy. However, if non-affordable housing is developed on these sites, the City is mandated under State Housing Law to ensure that

the City reserves adequate sites for the development of at least 8 *affordable* housing units in accordance with the State assigned Regional Housing Needs Allocation. Affordable housing in this instance means a housing project where at least 20% of the dwelling units are reserved for lower income households. Lower income households in Isleton is defined as those that earn 80 percent or less of the area median income. For the 2020 year, that equates to household earning less than approximately \$42,800 annually. As provided in the RHNA for Isleton (and referenced in the City's Housing Element) for the 2021 to 2029 projection period the City needs to show capacity for the development of at least 28 new housing units as follows:

- 5 very low-income units
- 3 low-income units
- 6 moderate-income units
- 14 above moderate-income units

This does not mean the City has to develop these units; it just means the City needs to reserve vacant land to accommodate the projection of at least 8 lower income housing units in the City.

**JANUARY 10 and 30, 2023, CITY COUNCIL REVIEW:** Due to the immediacy of needing a policy on this, staff took this interim planning review policy to the City Council on January 10, 2023, with the intention of getting it adopted, and then sending it back to the Planning Commission for further refinement. If changes were then made by the Commission, return it to the City Council for re-approval. After two meetings the Council referred this item to the Commission for review and recommendation.

**APPROVAL OF INTERIM PLANNING REVIEW POLICY:** The Planning Commission should review draft Interim General Plan Interim Review Policy 1-23 and recommend approval to the City Council.

**FUTURE ZONING CODE UPDATE:** Staff anticipates that the Zoning Code will be updated in this year which will include permanent design standards for these types of projects. Please see excerpts from the City's Housing Element regarding specific requirements for amending the Zoning Code.

**Attachments:**

1. General Plan Implementation Policy 01-23, City Policy for Interim Ministerial Review of Certain Housing Development Project in Compliance with Housing Element
2. Email from HCD
3. Letter from HCD
4. Excerpts from the Housing Element



## Attachment 1



### General Plan Implementation Policy 01-23

#### **City Policy for Interim Ministerial Review of Certain Housing Development Project in Compliance with Housing Element**

**BACKGROUND:** Article 15 of the Zoning Code requires site plan approval by the Planning Commission and Article 17 requires architectural review by the Architectural Review Board of all development projects except for single family houses. As mandated by State Law and the California Department of Housing and Community Development, proposed development of lower income housing projects (minimum 20% of the housing units are reserved for lower income households) on the sites identified in Exhibit A, are exempt from site plan and architectural review and shall be ministerially approved by staff. This ministerial approval is subject only to staff review for compliance of minimum zoning code objective design standards, such as building height, building setbacks, and off-street parking (see Action H-2.2 of the Housing Element. This requirement applies to current practice until such time the Zoning Code is updated in 2023-24.

**INTERIM OBJECTIVE DESIGN STANDARDS:** To address concerns with appearance and compatibility concerns from future development on these target properties, the Planning Commission and City Council have approved the following objective design standards for these type of projects until the Zoning Code has been updated:

*Interim Objective Design Standards for Multiple Family Housing Development on Assessor Parcels 157-040-005 and 157-040-074:*

- A. Each multiple family development project developed shall comply with the City's Off-Street Parking requirements of Article 11, Off-Street Parking and Loading of the Zoning Code.
- B. Architectural site layout and development features should be adhered to as follows:
  1. Parking shall be provided behind buildings, in the rear of the site or accessed from alleys or screened from view of the public street.
  2. Front setback hardscape in the form of walkways, driveways or other hardcover pavement shall not exceed twenty-five (25) percent.
  3. Buildings shall be oriented to form interior courtyards and commons spaces.
  4. Building architecture shall respect shall reflect the character of the neighborhood

through the incorporation of key elements such as roof pitch, window types and style, siding, trim elements, similar color palate, etc. The following architectural features shall be adhered to for buildings fronting the street:

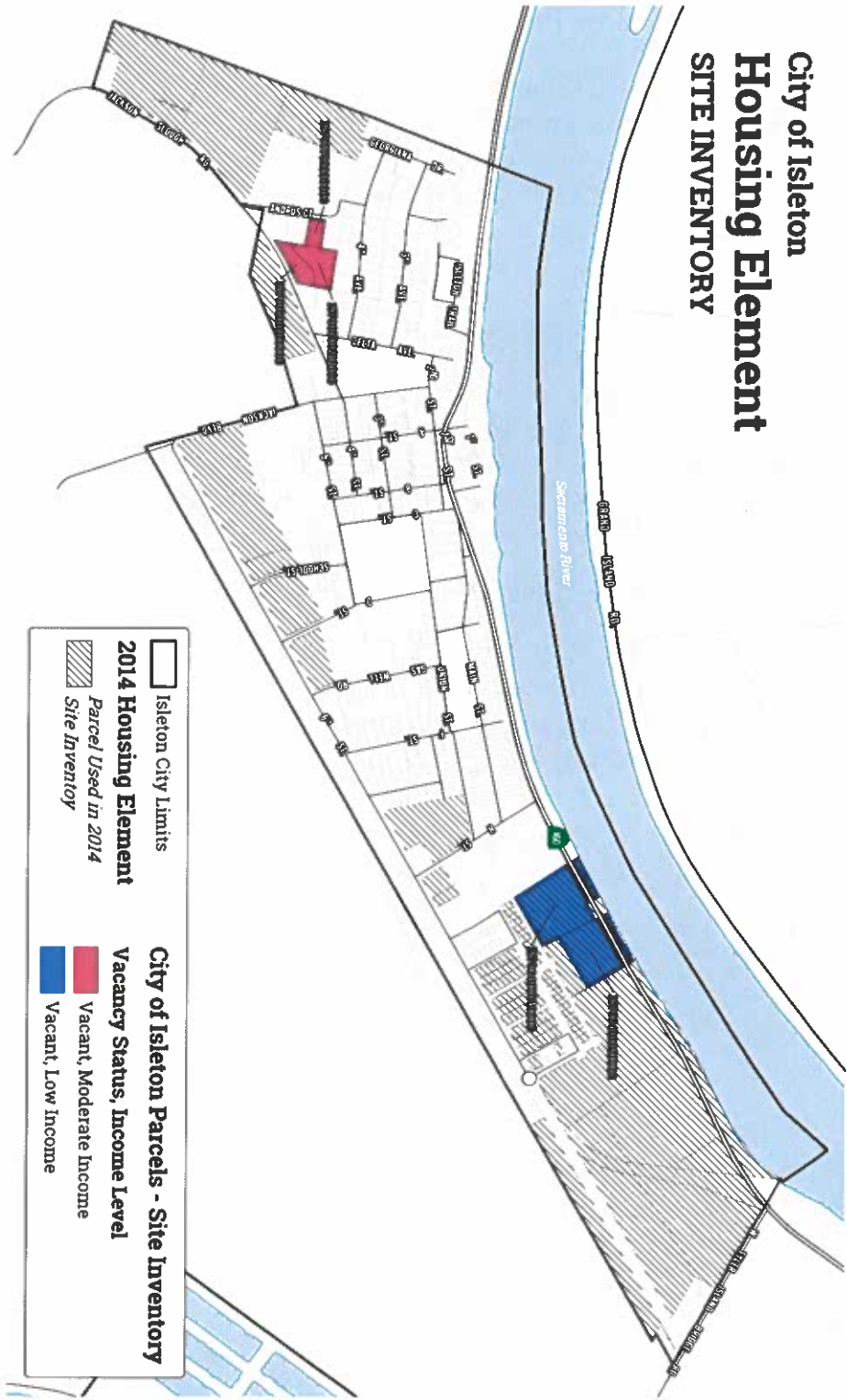
1. Building separation, changes in plane and height through building articulation elements including, but are not limited to:

- Balconies
- Porches
- Pitched roofs
- Overhanging roofs with gabled ends
- Building entries with covered porches
- Multi-pane, vertical bay windows
- Dormers
- Secondary hipped or gabled roofs (mansards are prohibited)
- Change in wall plane (pop outs, projections, etc.) for buildings that exceed twenty-four (24) feet in length.

2. Pastel colors shall be used and building groups shall vary to provide some visual diversity.

Exhibit A

City of Isleton  
Housing Element  
SITE INVENTORY



## Attachment 2

**December 5, 2022, Email from HCD:**

Thanks Gary. The red text highlighted in yellow text are suggested changes that basically says the City will follow the by right statute until the rezoning is complete. This allows us to find the City in full compliance because the rezoning deadline has passed. Let us know if you are ok with the suggested edits and if so, incorporate them into the final adopted element. We will then send the full compliance letter today.

**From:** Prasad, Hillary@HCD <[Hillary.Prasad@hcd.ca.gov](mailto:Hillary.Prasad@hcd.ca.gov)>  
**Sent:** Monday, December 5, 2022 8:52 AM  
**To:** Gary Price <[gary@plannerprice.com](mailto:gary@plannerprice.com)>  
**Cc:** McDougall, Paul@HCD <[Paul.McDougall@hcd.ca.gov](mailto:Paul.McDougall@hcd.ca.gov)>; Yvonne Zepeda <[yvonne.zepeda@cityofisleton.com](mailto:yvonne.zepeda@cityofisleton.com)> <[yvonne.zepeda@cityofisleton.com](mailto:yvonne.zepeda@cityofisleton.com)>; Charles Bergson - City of Isleton <[cbergson@cityofisleton.com](mailto:cbergson@cityofisleton.com)> <[cbergson@cityofisleton.com](mailto:cbergson@cityofisleton.com)>; Ethan E. Mobley <[ethan@dynamicplanning.co](mailto:ethan@dynamicplanning.co)>; Brian Greer <[brian@dynamicplanning.co](mailto:brian@dynamicplanning.co)> <[brian@dynamicplanning.co](mailto:brian@dynamicplanning.co)>  
**Subject:** RE: City of Isleton Housing Element Update

Hi Gary,

The excerpt below is a change to the 5<sup>th</sup> bullet point in the following program (we are suggesting language the change highlighted in yellow):

• **Action-H-2.2 Zoning Code Amendments.** Make the following zoning code amendments to maintain internal consistency and comply with State law requirements for housing:

Rezoned to **and in the interim** shall allow development by right, pursuant to Cal. Gov. Code § 65583.2(c), when 20 percent or more of the units are affordable to lower income housing on sites identified in Appendix A of the [Housing Element Background Report](#) to accommodate the lower income RHNA that was previously identified in past housing element. This allowance may also be an overlay on the specific sites identified in the Housing Element Site Inventory.

Thank you,



**Hillary Prasad**

Specialist, Housing Policy Division  
Housing and Community Development  
2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833  
Phone: 916.776.7545

## Attachment 3

STATE OF CALIFORNIA, BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

GAVIN NEWSOM, Governor

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500  
Sacramento, CA 95833  
(916) 283-2911 / FAX (916) 263-7453  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



December 5, 2022

Charles Bergson, City Manager  
City of Isleton  
P.O. Box 716  
Isleton, CA, 95641

Dear Charles Bergson:

**RE: City of Isleton's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Isleton (City) housing element that was adopted September 27, 2022, along with technical modifications authorized by Resolution No. 29-22 and received for review on October 6, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the adopted housing element in full compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The adopted element addresses the statutory requirements described in HCD's December 7, 2021 review.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- *Program H-2.2 (Zoning Code Amendments)*: This program commits the City, by 2023, to make revisions to the City's zoning code including, but not limited to, to allow previously identified sites by-right when 20 percent or more of the units are affordable, remove the conditional use permit for group homes with seven or more residents, and revise definitions of transitional and supportive housing.
- *Program H-2.6 (Update Fee Schedule)*: This program commits to study and create a new fee schedule by 2025.
- *Program H-3.8 (Adopt ADU Ordinance)*: This program commits the City to adopt an accessory dwelling unit ordinance to comply with state law by 2023.
- *Program H-3.3 (Regional Fair Housing, Mobility Enhancement, and Place-Based Access)*: This program commits the City to taking actions to affirmatively further fair housing including, among other actions, distributing educational materials, encourage multifamily development, and invest in infrastructure improvements throughout the City, beginning in 2023.

Charles Bergson, City Manager  
Page 2

The City must monitor and report on the results of this and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

In addition, HCD notes the technical modifications authorized by Resolution No. 29-22. HCD reminds the City that a copy of the updated adopted housing element including these modifications should be posted wherever the housing element is available to the public. HCD requests notification upon posting.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City now meets housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the dedication of the housing element team provided throughout the course of the housing element review. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Hillary Prasad, of our staff, at [Hillary.Prasad@hcd.ca.gov](mailto:Hillary.Prasad@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

**Attachment 3**  
**Excerpts from Housing Element Policies**

**Zoning Code Amendments. Make the following zoning code amendments to maintain internal consistency and comply with State law requirements for housing:**

- **Replace references to the R-1-6 zone in the zoning code with the R-1-7 zone and corresponding standards.**
- **Include a statement in the purpose of the zoning ordinance (§ 102) that discusses furthering fair housing and California fair housing law.**
- **Remove the requirement for a Conditional Use Permit for second units in order to allow them as a permitted use in all residential districts that allow single-family units (i.e., the UR, R, and RM).**
- **Remove the requirement for two additional parking spaces for second units; reduce to one with the option to remove the condition if state-outlined conditions are present as outlined in Cal. Gov't. Code § 658252.2(e)(1-5).**
- **Rezone to and in the interim shall allow development by right, pursuant to Cal. Gov. Code § 65583.2(c), when 20 percent or more of the units are affordable to lower income housing on sites identified in Appendix A of the Housing Element Background Report to accommodate the lower income RHNA that was previously identified in past housing element. This allowance may also be an overlay on the specific sites identified in the Housing Element Site Inventory. (Edited as mandated by HCD review 12/5/2022)**
- **Remove the Conditional Use Permit requirement for group homes of more than six persons and replace with procedures to promote objectivity and approval certainty in all zones allowing residential uses.**
- **Adopt definition for transitional and supportive housing that clearly states that transitional and permanent supportive housing are by-right residential uses subject to the same standards that apply to residential uses of the same type in the same zone.**
- **Develop a ministerial review option or permitted use for proposed developments where at least 50% of the units are affordable to households making below 80 percent of the area median income, in compliance requirements in Cal. Gov't. Code § 65913.4(e)(1).**

- **Explicitly allow single room occupancy in conformance with Cal. Gov't Code § 65583 (c)(1) and § 65583.2 (c); this may include modifying the definition of "dwelling unit" to include single room occupancy by eliminating the requirement for a kitchen in each unit.**
- **Allow farmworker housing consistent with Cal. Health & Safety Code § 17021.6 which states that any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use and no conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone.**
- **Modify the definition of "family" consistent with state law to remove the limit of five unrelated persons living together in a dwelling unit.**
- **Modify the definition of "dwelling, one-family" to include employee housing for six or fewer persons, in accordance with Cal. Health & Safety Code § 17021.5.**
- **Modify the 2014 emergency shelter ordinance to comply with parking requirements under Cal. Gov't Code, § 65583 (a)(4)(A)).**
- **Adopt a formal procedure for reasonable accommodation for housing for persons with disabilities in accordance with fair housing and disability laws.**
- **Allow for Low Barrier Navigation Centers to be a use by right in areas zoned for mixed use and nonresidential zones permitting multi-family uses if they meet requirements in Cal. Gov't Code § 65662(a-d), which include:**
  - a **"It offers services to connect people to permanent housing through a services plan that identifies services staffing.**
  - b **It is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. . .**
  - c **It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.**



- d It has a system for entering information regarding client stays, client demographics, client income, and exit destination . . .”**
- **Allow for permanent supportive housing to be a use-by-right in all zones where multifamily and mixes uses are permitted, in compliance with Cal. Gov’t Code 65583(c)(3), and consistent with requirements specified in Cal. Gov’t Code 65651(a)(1-7).**
  - **Provide for streamlined development approval for supportive housing and low-barrier navigation centers that includes completeness review within 30 days and full review in 60 - 120 days, depending on the size of the project. (Source: Existing Action 5.1, modified with new updates)**
  - **Provide for streamlined development approval for supportive housing and low-barrier navigation centers that includes completeness review within 30 days and full review in 60 - 120 days, depending on the size of the project. (Source: Existing Action 5.1, modified with new updates)**
  - **Revise manufactured housing regulations to allow this type of housing to be treated the same as other single-family housing.**
  - **Amend Zoning Code to reduce residential development processing time by allowing the Planning Commission to approve use permits for residential developments without City Council approval**

***Responsibility: Planning, Planning Commission, Council***

***Time Frame: GP update adopted 2022, zoning code amendments to follow (estimated 2023 adoption)***

***Funding: General Fund; grant assistance***

***Quantified Objective: 8 accessory dwelling units during the planning period; updated zoning code***

