

SPECIAL MEETING DUNSMUIR PLANNING COMMISSION SEPTEMBER 13th, 2023, 6:00 PM

Participants can attend in person, online, and/or by telephone, as follows:

In-person at: **Dunsmuir City Councill Chambers, 5902 Dunsmuir Ave, Dunsmuir, CA**

Online via Zoom at: <https://us02web.zoom.us/j/99204517515>

Telephone at: **1(669)900-6833** When prompted, enter **Meeting ID: 992 0451 7515**
***9 to Raise Hand *6 to unmute**

As a courtesy, please keep your phone or microphone on mute unless the Chairperson calls on you. Thank you.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES of the regular meeting of August 9, 2023

5. ANNOUNCEMENTS AND PUBLIC COMMENT

Make your announcements or comments when the Chairperson calls upon you to do so. The Planning Commission Chairperson will recognize you and ask for your name and address so that City staff can follow up on any issues requiring City action. This time is set aside for citizens to address the Planning Commission on matters **not** included on the Regular Agenda. If your comments concern an item noted on the Regular Agenda, please address the Planning Commission when that item is open for public comment. **Each speaker is allocated three (3) minutes to speak. Speakers may not cede their time.** Comments should be limited to matters within the jurisdiction of the City. The Planning Commission can only take action on matters that are on the Agenda but may place matters brought to their attention at this meeting on a future Agenda for consideration. If you have documents to present to members of the Planning Commission, please email them to adminasst@ci.dunsmuir.ca.us at least two days prior to the Planning Commission meeting. Alternatively, the documents can be mailed to the City of Dunsmuir Planning Commission, 5915 Dunsmuir Avenue, Dunsmuir, CA 96025. If submitting documents via mail, please allow adequate time for the documents to arrive, be distributed, and reviewed by the Planning Commission prior to the meeting. Further, if mailing, please provide a minimum of nine (9) copies.

6. PUBLIC HEARINGS

Public Hearing Protocol:

- a. Chairperson will describe the purpose of the Public Hearing
- b. City Staff will provide the Staff Report
- c. City Staff will respond to questions by the Planning Commission
- d. Chairperson will open the Public Hearing
- e. Citizens wanting to comment should wait until the Chairperson asks for public comments and provide the City Clerk with their name and address prior to commenting.

A. Maffei Merger and Use Permit

Proposed merger of two adjoining parcels and use permit to allow a workshop to be constructed approximately 2.3 feet taller than the established height limit at 4616 Deer Haven Drive (APNs 059-050-410 and -430).

A-1. Staff report

A-2. CEQA exemptions pursuant CEQA Guidelines Sections 15305 and 15061(b)(3)

A-3. Resolution PC-2023-03 approving merger and use permit

7. OLD BUSINESS - None

8. NEW BUSINESS - None

9. ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF

A. Staff:

B. Commissioners:

10. ADJOURNMENT:

Copies of this agenda were posted at City Hall, the Dunsmuir Park and Recreation District Office, and at the Post Office on or before **6:00 PM Friday, September 8, 2023**

The City of Dunsmuir does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disability or any other legally protected classes in employment or provision of services. Persons who need accommodations for a disability at a public meeting may call City Hall at (530) 235-4822 for assistance. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to accommodate participation in the meeting.

CERTIFICATION

This is the official Dunsmuir Planning Commission Agenda created and posted in accordance with the Dunsmuir City Protocols.



Deputy City Clerk

9/8/2023
Date

**REGULAR MEETING
DUNSMUIR PLANNING COMMISSION
August 9th, 2023
MINUTES**

1. CALL TO ORDER AND FLAG SALUTE

Meeting was called to order at 6:04 p.m. by Commissioner Thomure

2. ROLL CALL

Commissioners present: Bailey, Skalko, Sanchez (late), Thomure

Commissioners Absent: Feasby, Kay

Staff present: City Planner Tinsman, Deputy City Clerk Perkins

3. APPROVAL OF AGENDA

Motion to approve the agenda by Skalko second by Bailey

Voice Vote:

AYES: Bailey, Skalko, Sanchez, Thomure

NOES: None

ABSENT: Kay, Feasby

ABSTAIN: None

4. APPROVAL OF MINUTES – of special Meeting May 17th, 2023

Motion to approve minutes by Skalko 2nd by Bailey

Voice Vote:

AYES: Bailey, Skalko, Sanchez, Thomure

NOES: None

ABSENT: Kay, Feasby

ABSTAIN: None

5. SWEARING IN OF NEW PLANNING COMMISSIONER – Julia Simon. Term ends June 2024.

6. ANNOUNCEMENTS AND PUBLIC COMMENT - None

7. SPECIAL PRESENTATION – Civic Well gives update on Dunsmuir Active Transportation Plan. Preliminary Design Concepts and Recommendations – Diana Voss-Gonzalez.

8. OLD BUSINESS – None

9. NEW BUSINESS – None

10. ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF - None

11. ADJOURNMENT

Motion to adjourn the meeting at 7:30 p.m. by consensus.

ATTEST:

Chairperson Kay

Deputy City Clerk Perkins

Date



CITY OF DUNSMUIR

PLANNING COMMISSION STAFF REPORT

September 13, 2023

MAFFEI MERGER AND USE PERMIT

| | |
|---------------------------|--|
| APPLICANT(S): | David Maffei & Maureen Swig 4616 Deer Haven Drive Dunsmuir, CA 96025 |
| PROPERTY OWNER(S): | APN 059-050-410 is owned by David Maffei and APN 059-050-430 is owned by David Maffei and Maureen Swig. The grant deed for APN 059-050-410 will need to be updated to reflect the same ownership as APN 059-050-430 prior to recordation of the merger. |
| PROJECT SUMMARY: | The project is a proposed merger of two adjoining parcels that are under the same ownership as well as a proposed conditional use permit to allow a workshop to be constructed approximately 2.3 feet taller than the established height limit for accessory structures. |
| PROJECT LOCATION: | The project site is located at 4616 Deer Haven Lane on APNs 059-050-410 and -430. |
| GENERAL PLAN: | Low Density Residential (LDR) |
| ZONING: | Low Density Residential (R-1) |
| EXISTING USE: | APN 059-050-430 is developed with a single-family dwelling and attached garage and APN 059-050-410 is undeveloped. |
| ENVIRONMENTAL | The project is categorically exempt from environmental review pursuant to Sections 15305 and 15061(b)(3) of the CEQA Guidelines. |
| RECOMMENDATION: | Approval |
| ATTACHMENTS: | A. Resolution PC-2023-03, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Maffei Merger and Use Permit |

OVERVIEW

Applicants David Maffei & Maureen Swig have requested approval of a merger to combine their two parcels located at 4616 Deer Haven Drive as detailed in the table below. The purpose of the merger is to eliminate the existing boundary line located between the parcels so that a workshop can be constructed.

| Assessor's Parcel Number | Existing Parcel Sizes | Resultant Parcel |
|--------------------------|-----------------------|------------------|
| 059-050-410 | ± 11,550 sq. ft. | ± 23,100 sq. ft. |
| 059-050-430 | ± 11,550 sq. ft. | |

In addition to the merger, the applicants request approval of a conditional use permit in accordance with subsection A of Section 17.92.180 (Height limits) so that the workshop can be constructed approximately 2.3 feet taller than the 15-foot height limit established for accessory structures in the Low Density Residential (R-1) district. The proposed merger, project site, and workshop are shown in **Figure 1** through **Figure 5** below.

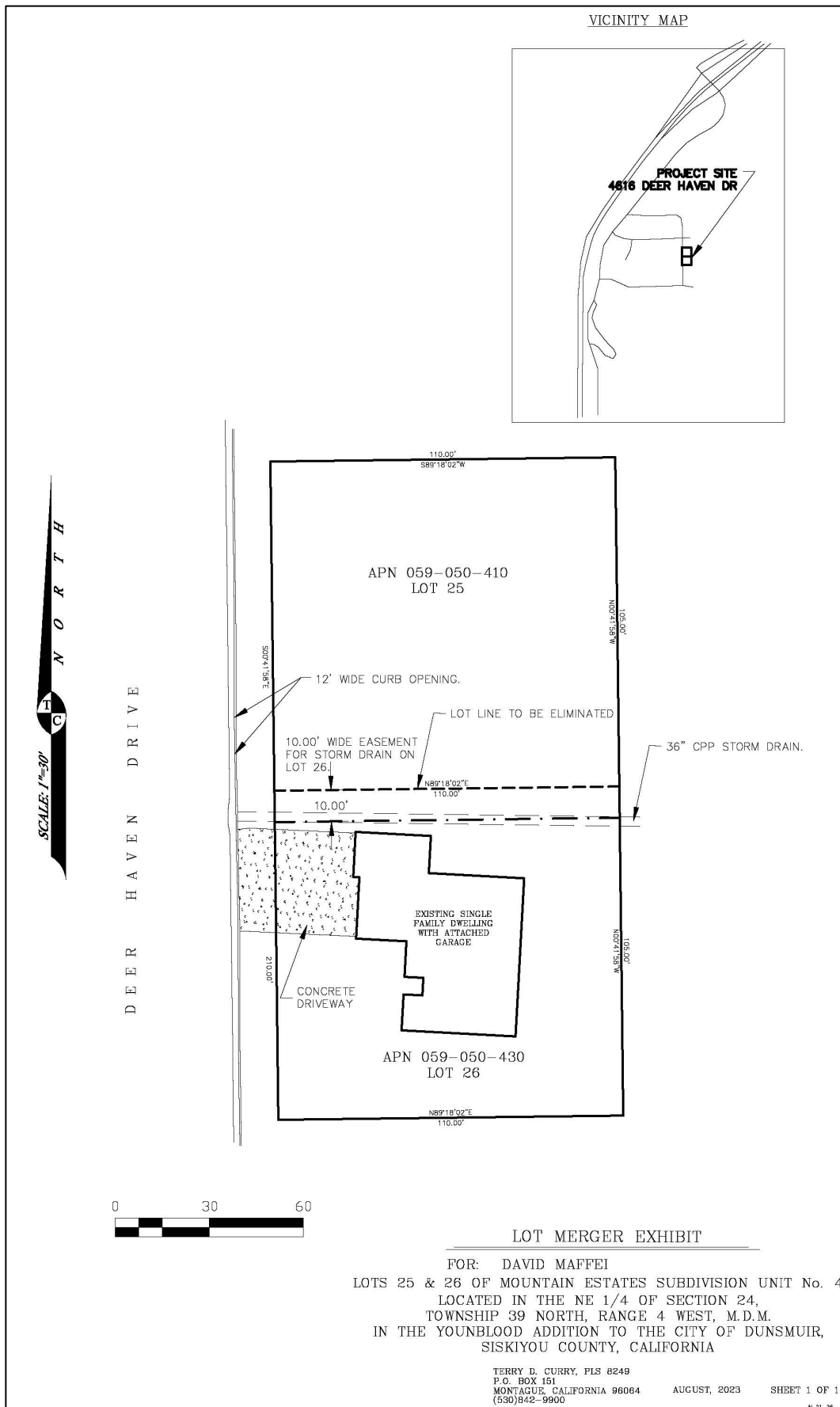


Figure 1, Merger Exhibit

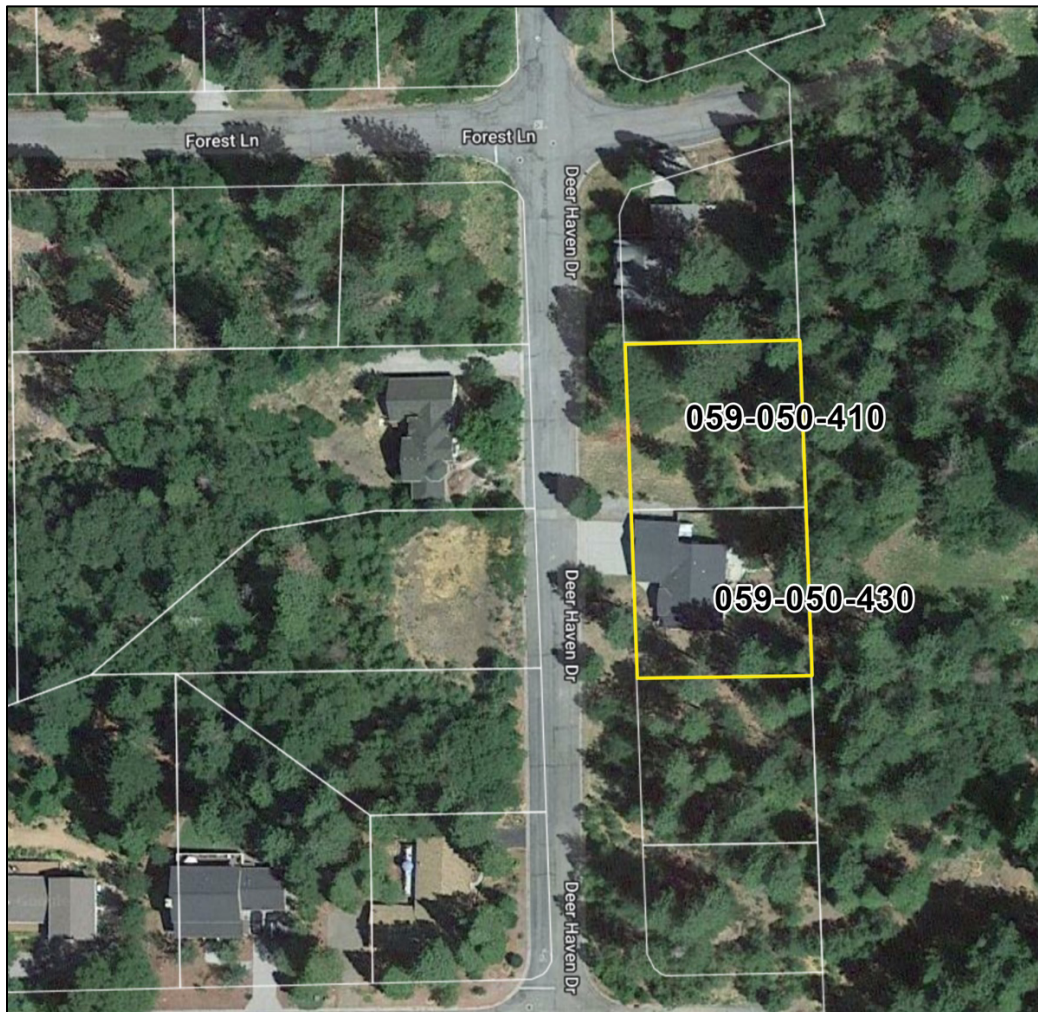


Figure 2, Aerial Overview (boundaries are off)



Figure 3, Project Site (facing east)

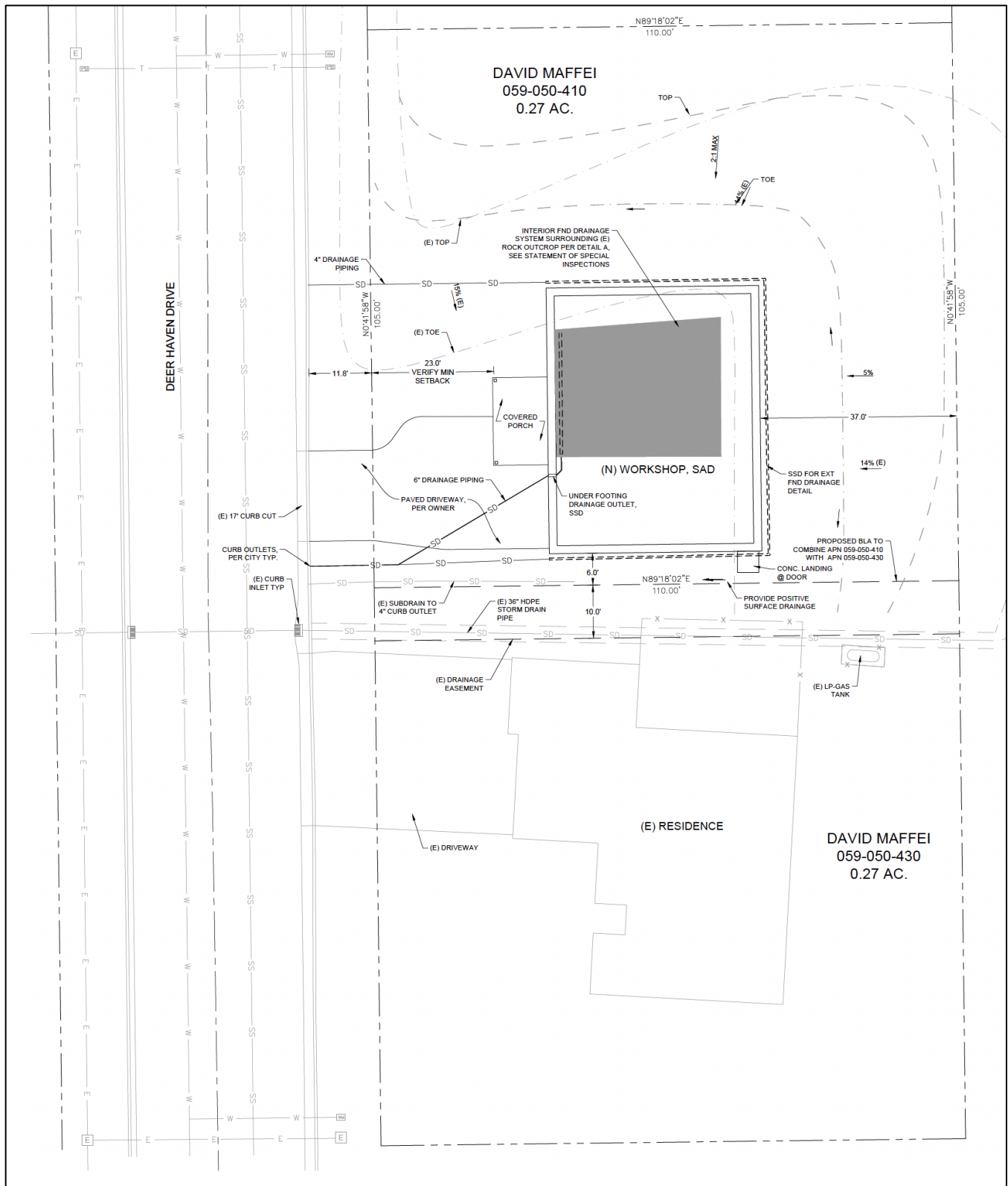


Figure 4, Site Plan

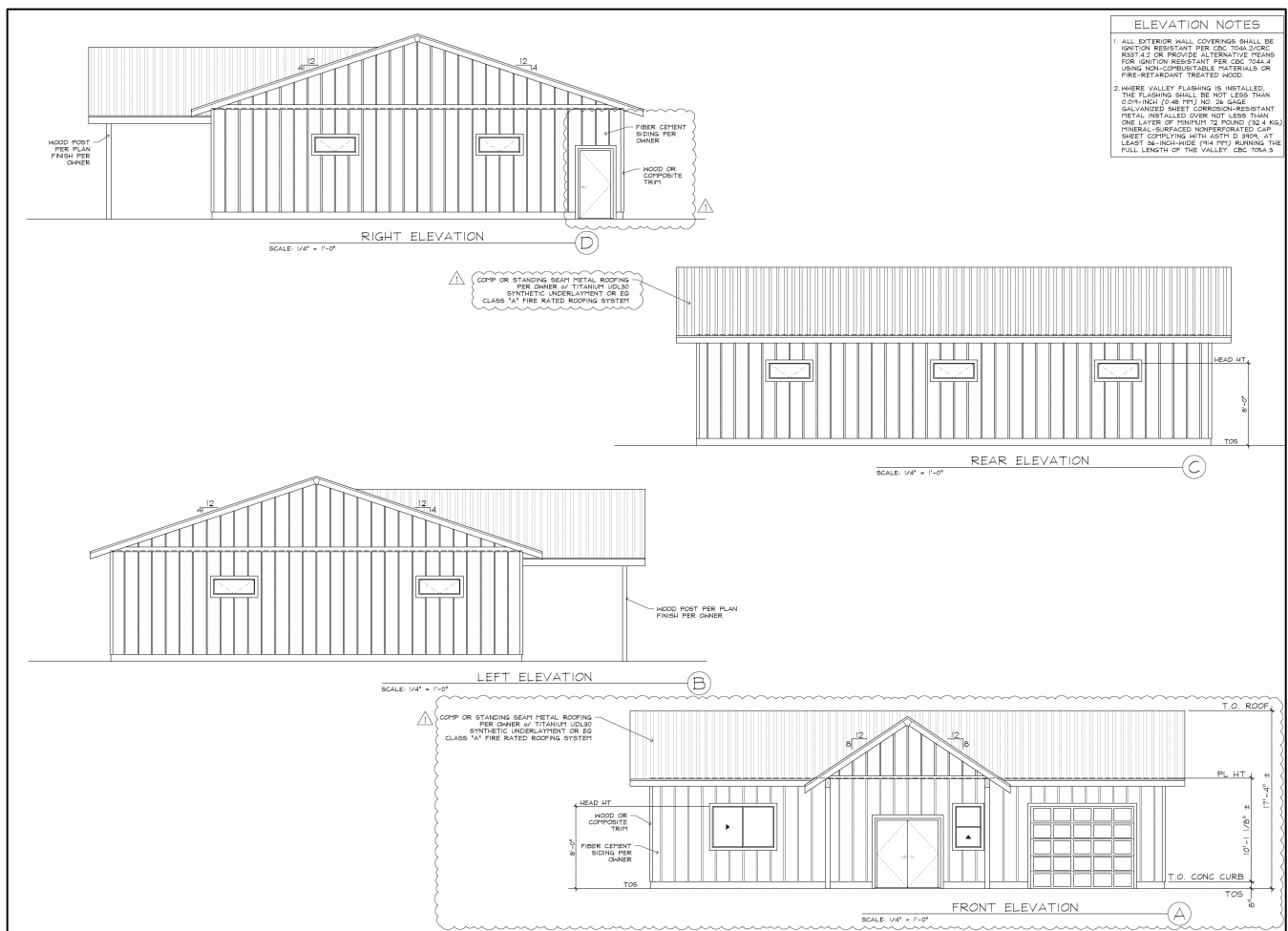


Figure 5, Elevations

ANALYSIS

Resulting Parcel

Approval and recordation of the merger would combine two 11,550-square foot lots (APNs 059-050-410 and -430) into a single resultant 23,100-square-foot (0.53-acre) lot. The resultant lot would include 210 feet of frontage along Deer Haven Drive and have a depth of 110 feet (see **Figure 1** above).

Improvements

As shown in the figures above, APN 059-050-430 is developed with an approximately 1,632-square-foot single-family dwelling and an approximately 800-square-foot attached garage and APN 059-050-410 is undeveloped. None of the existing or proposed improvements would be adversely affected by the proposed merger. A building permit application has been received for construction of an approximately 2,000 square-foot workshop that is proposed to be 17 feet, 4 inches tall. Prior to approval of the building permit, the lots must be combined and a use permit secured for the increased building height. Any additional future improvements would be subject to the development standards in effect at the time.

General Plan

Both parcels are designated Low Density Residential (LDR). No change in land use or land use designation is proposed. The project was reviewed for conformity with General Plan goals, policies, and

implementation measures. The following policy and implementation measure were determined to be applicable to the project:

Policy LU-4.1: The City shall ensure that approval of all proposed land uses consider and support compatibility with existing uses.

LU-4.1.3: Upon review of discretionary permits by the City, conditions shall be added to the project approval, when warranted, to support neighborhood land use compatibility.

As described in Staff Recommendation below, staff believes the project is compatible with existing uses. No conditions of approval, however, were determined necessary. The requirement for one additional foot of setback for each additional foot of building height, or portion thereof, is a self-mitigating feature of Section 17.92.180 (Height limits), and the applicants are proposing increased setbacks that comply with this requirement. Nevertheless, should concerns be brought forward at the public hearing regarding the increased building height, the Planning Commission may add conditions of approval, as necessary, to address said concern(s).

Zoning

Both parcels are zoned Low Density Residential (R-1). No change in zoning is proposed. The R-1 district requires a minimum lot size of 5,500 square feet, a minimum lot width of 55 feet, and a minimum lot depth of 100 feet. Accessory structures, when established or constructed concurrently with or subsequent to the principally permitted use, are permitted. Minimum setbacks for accessory structures on the parcels are 20 feet in the front, five feet on the sides, and five feet in the rear. Maximum lot coverage is 40 percent and the maximum height for accessory structures is 15 feet.

No zoning irregularities exist or would occur as a result of the merger or use permit. The proposed workshop would meet or exceed all setback requirements, and the existing and proposed improvements would result in approximately 20 percent lot coverage. The workshop is proposed to be constructed 2' 4" taller than the 15-foot established height limit for accessory structures in the R-1 district. Pursuant to Section 17.92.180 (Height limits), heights up to 10 feet taller than the established height limit are permitted upon securing a conditional use permit. The applicants are requesting approval of a use permit for this purpose. Section 17.92.180 also requires that "in any zoning district where a conditional use permit is secured for an increased height limit, all setbacks shall be increased by one (1) foot for each foot or portion of a foot in excess of the established height limit." As shown on **Figure 4**, the applicants are proposing increased setbacks for the workshop that satisfy this requirement.

Property Taxes

According to the Siskiyou County Tax Collector's Office, all property taxes have been paid and the FY 23/24 assessments will not be available for a few weeks.

Easements, Utilities, and Infrastructure

There is an existing 10-foot wide storm drain easement that runs east to west through the property. The easement would not be impacted by the project, nor would any easements, utilities, or infrastructure need to be relocated to facilitate the merger.

MERGER FINDINGS

Section 16.24.040 (Procedure) of the Dunsmuir Municipal Code requires that specific findings be made prior to approval of a property owner initiated merger. These are:

1. The resulting parcel is viable in supporting existing and/or planned land uses based on applicable general plan policies.
2. The resulting parcel and/or any structures located thereon will comply with the requirements of the zoning district in which the parcel is located and with applicable building regulations, except that where an existing parcel or structure is nonconforming with respect to zoning regulations, a merger may be approved if the degree of nonconformance is not increased.
3. The merger will not impair any existing public or private easements.

Staff is recommending that the Planning Commission can make findings consistent with Section 16.24.040. Accordingly, findings to this effect have been incorporated into the draft resolution prepared for the Planning Commission's consideration (see **Attachment A**).

USE PERMIT FINDINGS

In order for the Planning Commission to approve the conditional use permit and allow for an accessory structure to be constructed 2' 4" taller than the 15-foot established height limit, the Planning Commission must first make certain findings. Subsections (A) and (B) of Section 17.88.060 (Action by the planning commission on a use permit) details both the required findings and the provision for placing conditions on projects to ensure projects are not to the detriment of the City, as follows:

- A. In order to grant any conditional use permit, the findings of the planning commission shall be that the establishment, maintenance or operation of the use or building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the city.
- B. The planning commission may designate such conditions in connection with approval of a conditional use permit as it deems necessary to secure the purposes of this title and may require that such conditions will be complied with by the permittee.

In the opinion of staff, because the workshop is permitted by right and the use permit would allow a minor height increase that would not result in obstruction of a scenic vista, approval of the project would be compatible with adjacent uses and would not have an adverse impact on the community, nor would it be materially detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood, or be materially detrimental to property or improvements in the neighborhood or the general welfare of the City.

If the Planning Commission concurs, it would need to make the required finding for approval of a use permit prior to project approval. As such, a finding to this effect has been incorporated into the draft resolution prepared for the project. However, should concerns be raised at the public hearing that would suggest the finding cannot be made, the Planning Commission may place additional conditions on the use permit to mitigate community concerns. Conversely, if the Planning Commission does not feel that the concerns can be adequately addressed through conditions of approval, the Commission can deny the request for a use permit.

ENVIRONMENTAL RECOMMENDATION

Staff recommends that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15305, Minor Alterations in Land Use Limitations, and 15061(b)(3), as follows:

Section 15305, Minor Alterations in Land Use Limitations. This particular exemption applies to “minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to: (a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.” When cities that have not adopted a merger ordinance, mergers are processed as lot line adjustments.

Section 15061(b)(3). Because the project entails: 1) elimination of a parcel boundary, and 2) a use permit for a minor increase above the established height limit, there is no potential impact to the environment and the project is exempt from environmental review under the “common sense exemption,” which states that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

If the Planning Commission concurs, it would need to find that the project will not have a significant adverse impact on the environment and is exempt from CEQA prior to project approval. Accordingly, a finding to this effect has been incorporated into one of the two suggested motions below, and the CEQA findings are reflected in the draft resolution as well.

PLANNING STAFF RECOMMENDATION

Staff has reviewed the application materials and, based on the material in the record and the information provided in this staff report, staff recommends that the Planning Commission take the following actions:

- **Adopt** findings of consistency with the General Plan, Zoning, and Building Codes;
- **Adopt** the findings for approval of a merger and for approval of a use permit.
- **Adopt** the CEQA finding and exemptions;
- **Adopt** Resolution PC-2023-03, A Resolution of the Planning Commission of the City of Dunsmuir Approving the Maffei Merger and Use Permit.

SUGGESTED MOTIONS

To approve the project, the following motions should be made separate from one another and in sequence, with the second motion made only after the first motion is made and carries.

1. I move that we make the finding that the project would not have a significant adverse effect on the environment, and that we adopt the recommended CEQA exemptions.
2. I move that we adopt Resolution PC-2023-03 approving the Maffei merger and use permit.

**RESOLUTION PC-2023-03
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNSMUIR
APPROVING THE MAFFEI MERGER AND USE PERMIT**

WHEREAS, David Maffei & Maureen Swig, owners of 4616 Deer Haven Lane, applied for a merger to combine their 11,550-square-foot parcel (APN 059-050-410) with the adjoining 11,550-square-foot parcel owned by David Maffei (APN 059-050-430) into a single 23,100-square-foot (0.53-acre) resultant lot for the purpose of constructing a workshop next to their residence; and

WHEREAS, prior to recordation of the proposed merger, the grant deed(s) will need to be updated to reflect the same ownership; and

WHEREAS, the resulting parcel will be viable in supporting existing and/or planned land uses based on applicable general plan policies; and

WHEREAS, the resulting parcel and the structures located thereon will comply with the requirements of the R-1 zoning district and with applicable building regulations; and

WHEREAS, the merger will not impair any existing public or private easements; and

WHEREAS, David Maffei & Maureen Swig also applied for a conditional use permit to allow the workshop to be constructed approximately 2.3 feet taller than the 15-foot established height limit for accessory structures in the Low Density Residential (R-1) district; and

WHEREAS, David Maffei & Maureen Swig proposed increased setbacks of three feet consistent with Dunsmuir Municipal Code Section 17.92.180 (Height limits) to allow the workshop to be constructed approximately 2.3 feet taller than the 15-foot established height limit for accessory structures in the Low Density Residential (R-1) district; and

WHEREAS, the establishment, maintenance, and operation of a workshop constructed approximately 2.3 feet taller than the 15-foot established height limit will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the city; and

WHEREAS, staff presented oral and written staff reports on the Maffei Merger and Use Permit at a regular meeting of the Planning Commission on September 13, 2023; and

WHEREAS, staff recommended that the Planning Commission approve the Maffei Merger and Use Permit subject to the findings included in the staff report dated September 13, 2023, and incorporated herein above; and

WHEREAS, on September 13, 2023, the City of Dunsmuir Planning Commission considered staff's recommendation along with any public testimony received, following which the Planning Commission discussed the Maffei Merger and Use Permit prior to reaching its decision; and

WHEREAS, based on the entirety of the record before the Planning Commission, the Commission determined that the project does not have the potential to cause a significant effect on the environment and is exempt from environmental review pursuant to Sections 15305 and 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission adopts the recommended findings set forth in the written staff report dated September 13, 2023, and incorporated herein above; and

BE IT FURTHER RESOLVED that the Planning Commission, based on the evidence in the record, including the findings set forth in the written staff report dated September 13, 2023, and incorporated herein above, approves the Maffei Merger and Use Permit.

IT IS HEREBY CERTIFIED that the foregoing Resolution PC-2023-03 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____ at a regular meeting of the City of Dunsmuir Planning Commission held on the 13th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF DUNSMUIR PLANNING COMMISSION

Craig Kay, Chair

WITNESS, my hand and seal this 13th day of September 2023

Wendy Perkins, Deputy City Clerk