

Town Council

Madeleine DeAndreis, Mayor
Michelle DeCausmaker, Pro Tem
Mercedes Garcia
Alex Lariviere
Paula Johnson



Town Administrator
George Brenard

Town Clerk
Corinne Guidi

Town Council Discussion Item

APN 055-192-100-000 – Proposed Motel Use and RV Lot Development

Agenda Title

Discussion and Direction Regarding a Proposed Conditional Use Permit for Motel Operations and a Potential Variance or Other Land Use Entitlement for Development of a Short-Term RV Lot on APN 055-192-100-000

Recommended Action

Receive a presentation from property owner and staff, discuss the proposed conversion of the existing building on APN 055-192-100-000 to motel use, discuss the development of a short-term RV lot on the property.

Background

The owner of APN 055-192-100-000 has expressed interest in utilizing the existing building on the property as a motel and developing a small RV lot for short-term visitor accommodations.

The existing structure appears well suited for lodging use because it contains characteristics commonly associated with transient occupancy facilities. The proposal could provide additional visitor accommodations within the Town, support tourism, and increase overnight lodging opportunities for travelers visiting Fort Jones.

The parcel is currently located within the **Manufactured Home Park (MH) District** of the Town's zoning ordinance. The Town's zoning regulations identify the Manufactured Home Park District as a separate zoning classification established under Title 18 of the Municipal Code.

Staff's preliminary review indicates that hotels and motels are specifically identified as conditional uses within the R-3 and certain commercial zoning districts; however, motel use is not expressly identified within the MH District regulations.

This discussion item is intended to present the proposal for Council to consider the overall merits of the proposal.

Land Use Analysis

Existing Zoning

The Town of Fort Jones zoning ordinance establishes a Manufactured Home Park (MH) District as a distinct zoning district within the Town.

Because the parcel is presently zoned MH, the Town must determine:

1. Whether motel operations can be authorized within the district through a Conditional Use Permit;
2. Whether short-term RV accommodations are permitted or conditionally permitted within the district;
3. Whether the request would require a variance, rezoning, zoning text amendment, or General Plan consistency review; and
4. Whether the proposed visitor-serving uses are compatible with the surrounding neighborhood and existing development pattern.

Potential Community Benefits

Potential benefits of the project include:

- Increased lodging opportunities for visitors.
- Additional support for local businesses.
- Potential Transient Occupancy Tax revenue.
- Productive reuse of an existing structure.
- Expanded tourism and recreation accommodations within the Town.

Potential Considerations

The Council may wish to consider:

- Compatibility with surrounding residential and manufactured home uses.
- Noise, traffic, lighting, and parking impacts.
- Water and wastewater capacity.
- Fire access and emergency services.
- Property maintenance requirements.

- Occupancy limits for RV spaces.
 - Long-term versus short-term use of RV sites.
-

Conditional Use Permit Findings for Discussion

If an application is submitted, the Planning Commission and Town Council would need to evaluate whether findings can be made that:

Finding 1 – General Plan Consistency

The proposed motel use is consistent with General Plan policies supporting economic development, visitor-serving businesses, and the efficient reuse of existing development.

Finding 2 – Compatibility

The proposed use is compatible with surrounding land uses and can operate without creating substantial adverse impacts through implementation of appropriate conditions of approval.

Finding 3 – Public Facilities

Adequate utilities, roadway access, parking, and public services exist or can be provided to serve the proposed use.

Finding 4 – Public Health and Safety

The project will not be detrimental to the public health, safety, or welfare and will comply with applicable building, fire, and health regulations.

Variance Discussion

Under California land use law, a variance generally requires special circumstances related to the property that create a hardship not shared by other similarly situated properties. A variance cannot ordinarily be used merely to establish a use that is otherwise prohibited by zoning.

Accordingly, staff recommend that any future application includes a legal review to determine whether a variance is the proper entitlement for the proposed RV lot or whether rezoning or another land use approval would be necessary.

Council Discussion Questions

1. Does the Council support continued evaluation of motel operations within the existing building?
 2. Does the Council support continued evaluation of short-term RV accommodations on the property?
 3. Should staff analyze whether the proposal would require rezoning or another entitlement in addition to a Conditional Use Permit?
 4. What operational standards or conditions should be considered if an application is submitted?
-

Fiscal Impact

Potential increase in local economic activity, business license revenue, and Transient Occupancy Tax revenue associated with visitor accommodation.



September Ft. Jones Police Department Statistics

Animal Control– 11	Events– 15
Trespass– 8	Alarm– 5
Juvenile/School– 30	Fraud/Scam– 4
Battery– 10	Animal strikes– 15
Domestic Violence– 4	Court– 8
Runaway/Missing person– 2	Written Reports YTD- 110
Traffic Collision– 2	
Assists– 35	
Civil– 18	
Theft– 6	
Vandalism– 5	
Traffic– 40	
Code Enforcement– 20	
Non-Crim– 40	
Medical/Fire– 15	

The above is a consolidation of statistics logged in with our Computer Automated Dispatch System.

Does not include Calls for service outside our logged activity

Ft. Jones Police Department Monthly Report

September 2026

As we enter the fall season and the beginning of the new school year, we have been integrated with a substantial number of significant cases related to major/serious crimes. Many of these crimes are generated through cybercrimes such as scams or fraud but also include a high number of local/Siskiyou County residences involved in major crimes resulting in significant injuries and losses specific to drug and alcohol activity. While every crime involves an officer's presence, expertise, and investigation hours these major crimes involve a level of expertise that multiplies the hours needed to complete a detailed report by tenfold. Officers continue to push forward putting in the hours required of them and more while still maintaining time to patrol and be proactive in their duties. I want to acknowledge the level of skill our officers not only have but continue to expand on without complaint. We are very blessed as a small department to have this Calibur of Officers to serve our community. This past week specifically has brought us several new cases involving major often time violent cases. In addition to the complex investigation of these cases also comes the time involved to write numerous warrants needed to complete these cases.

Traffic- Traffic related issues continue to be a top priority for the department in and around our two towns with a heavy infuses in and around our community schools. Numerous traffic stops have been performed with warnings and citations being issues. Again, presence is a major factor in slowing traffic down and officers attempt to be out there as much as possible. Several events needing police traffic control were also asked of the department with each event concluding successfully. As we enter the winter season with inclement weather officers will continue to monitor and educate drivers on our expectations while traveling through the Scott Valley Community and Towns.

Schools- The beginning of the 2026 school year hit hard as we have been inundated with calls for service related to incidents within the school district. Calls for service include traffic, altercations, events, truancy, and our ongoing MOU with the school district in providing support services to students having a difficult time not only in school but also getting to school. We hope as the school year moves forward, we will see the need for police services level out and are maintained at a lower level of need and we can focus on a proactive approach.

Animal Control- Dogs at large calls for service have had a slight uptick in the need for officers to respond and get animals back to their home but still at a level well below the averages over the last couple years. We continue to help owners come up with a solution versus citing only as it seems to help in the long run. We had one case involving dogs attacking livestock in town resulting in the attackers needing to be euthanized. It is unfortunate; however, we couldn't allow the continued risk to the community. Several areas in both towns are seeing a significant number of cats continue to grow. It's an issue that needs to be addressed sooner than later and may require another spay/neuter clinic that comes at a price. In the future it would be nice to establish funding to be able to provide a service to our

communities at least every couple of years. We also had several mountain lion sightings in each town with the Etna City park being the last location a big cat was spotted. In this event several people had to lock themselves in the bathrooms until officers could arrive on scene. As a reminder our department will not hesitate in taking necessary action when it comes to public safety and the need to protect human life. In each incident, the department of Fish and wildlife was notified along with the local state trapper. Investigations were done without locating each animal. We will continue to monitor the areas, and we encourage the public to immediately notify us if they are to spot a lion in the area.

Reports/Cases- As the year seems to accelerate by us the number of cases has followed suit with us well over 100 cases for the year. As mentioned before, a good number of our cases are significant in degree and require a high number of investigation hours. Also, a reminder when a case is completed doesn't mean that an officer's job is over. Each of these cases also require many hours in court and working with the District Attorney. Again, I am extremely proud of our officers and it's important that we all support them in any way we can. The hours and level of service they provide can become overwhelming and a little support goes a long way in preventing burnout.

Calls for Service- In addition to the increase in written cases comes a naturally increase in calls for service. Typically, we see an even larger number of calls for service which is still the case as this year goes on. Our calls for service for each year generally are in the thousands and I expect us to exceed our previous year's numbers. Many are positive in nature and are one of the great things about law enforcement.

Ordinance Enforcement- Recently as you all know we have had extensive activity at several properties within town. While we have seen some progress there is a long way to go and very complex procedures to complete. We are also monitoring existing properties that have had recent rentals to ensure it is done correctly and to keep the property from falling back into what it once was. The police department continues to monitor existing code enforcement cases, closing out several on a positive note with voluntary compliance by our constituents. We also continue to look for problematic areas that we can address before they become a problem. As a reminder, code enforcement is complaint driven and many cases are only acted upon once a complaint or concern is received. Please be vigilant and contact the department if you observe any issue related to code enforcement. This process has shown over the years to be very successful in voluntary compliance while keeping our community unique in solving some issues in a non-conventional way. We also need to continue looking at an in-house hearing board to review each code enforcement case while providing directions in a conclusion.

PAL- The new PAL year began in September, and we are off to a quick start to the season. Along with our normal fall sporting schedule, we continue to be engaged in fund raising/grant efforts related to the skate park, softball park, and other local organizations in obtaining grants for school and city properties. It is with consistent partnerships with all organizations we will succeed and so important to our community in continuing to grow in a direction we can preserve our way of life.

Misc.- Officer Dowling has completed his field training and is now out in the community as a solo officer. Congratulations to him on all his hard work and thank you for your continued service to the community. As we continue to be increasingly busy, we hope to still be able to add additional personnel and organizational partnerships. It's been a really busy last few months for officers so if you get a chance, please reach out to them and thank them for their undying service and loyalty to our community.



Fort Jones Fire Department

Chief Joseph Hess
PO Box 597
31 Newton Street
Fort Jones CA, 96032
Station Phone (530)468-2261
E-Mail- ftjfire@sisqtel.net

To Town Council,

The Fire Department responded to 37 calls for service in the month of September. Members participated in 20 hours of scheduled training and numerous hours of online and on-duty proficiency training. The department has responded to 326 calls in 2026.

September 2026 Calls

Call Type	City Limits	Out of City
MEDICAL AID	7	19
PUBLIC ASSIST	3	3
VEGETATION FIRE		2
TRAFFIC COLLISION		2
CANCELLED/FALSE ALARM		1
TOTAL	10	27

E-1311 and U-1350, and the 5 personnel staffing those units, were released from Forest Service cover assignment on 9/4. They did a total of 28 days covering for the local Forest. Chief Hess returned from the Plaskett Fire on 9/11 after 14 days gone on the Timber and Plaskett fires as a Strike Team Leader. While these units and personnel were assigned we maintained staffing and local response to calls for service in Fort Jones and throughout Scott Valley.

We are continuing to work with the Highschool developing the Introduction to Emergency Services CTE Class. They received approval to hold the class and currently have 9 students enrolled. Chief Hess and several of our volunteers will be assisting with teaching select portions of the class throughout the year including formal State Fire Training classes. After completion of the class, students will have the prerequisite knowledge and skills for entry level wildland firefighting jobs and a solid starting point for entry in many other emergency services.

Town of Fort Jones

Public Works Report

September 2026

Sewer

All the daily readings at the wastewater treatment plant have been recorded and compiled into a usable form. We sent the flow readings off to SHN for the quarterly report. We checked numerous manholes for blockages and found none. Everett has received his wastewater treatment plant operator grade 3 license.

Water

We read all the meters and entered the information into the billing software. We are still working on the SAFER drought reporting for the month. We located water lines for all submitted 811 requests within the Town. We received numerous 811 requests.

We inspected the Phase one water line replacement project. It was completed on time and with minimal delay. We administered the 3 year lead and copper sampling.

We went door to door to hand out delinquent notices to citizens who were 60 days or more delinquent on their water/sewer bills.

Parks

We took out the trash weekly from the parks. We anticipate that the parks will be winterized and the water will be turned off in early October.

Roads

We took out the trash weekly from the Towns trash cans. We located the Towns storm drains for all 811 requests. We submitted multiple requests for reimbursements for various grants. We had Scott River Road striped.



TOWN OF FORT JONES

Town Administrator's Monthly Staff Report

Reporting Period: September 2026

Prepared by: Town Administrator

Meeting Date: October 12, 2026

1. Budget and Financial Update

The Town Administrator continues to monitor the Town's financial position, budget performance, and expenditures to ensure responsible stewardship of public funds.

Current Activities:

- Review of revenues and expenditures against the adopted fiscal year budget.
- Monitor general fund balances, operating costs, and outstanding obligations.
- Review department expenditures and identify potential budget adjustments.
- Evaluate anticipated revenues and expenses for the remainder of the fiscal year.
- Identify grant opportunities and other funding sources for town priorities.

Issues and Next Steps:

Staff will continue reviewing budget performance, identifying potential cost savings, and keeping the Town Council informed of significant financial developments. Any necessary budget amendments or fiscal policy recommendations will be presented to the Council for consideration.

Forensic reconstruction will begin at the end of the week, and the auditor is preparing to start audits as soon as the books are complete.

2. Historic District Update

The Town continues to recognize the importance of preserving Fort Jones's historic character while supporting property owners, local businesses, and appropriate community development.

Current Activities:

- Review the status of historic district designation, boundaries, and related documentation, as applicable.
- Identify preservation priorities and opportunities to protect the community's historic character.
- Review applicable planning requirements and procedures for proposed improvements within the district.
- Explore potential grants, technical assistance, and partnerships for historic preservation.
- Coordinate with relevant agencies and community stakeholders as needed.

Issues and Next Steps:

Staff will identify outstanding documentation, regulatory questions, and potential funding opportunities related to the historic district. The Attorney will be preparing the ordinance for public reading. Any proposed policies, designation actions, or preservation initiatives will be brought forward through the appropriate review process.

3. Historic Properties and Preservation

Historic properties contribute to Fort Jones's identity, local heritage, and community character. Staff will continue working with property owners and evaluating preservation needs and opportunities consistent with applicable regulations and available resources. Discussions are ongoing with the owner of the potential library site, and she is very supportive of the concept.

Current Activities:

- Identify historic properties that may require maintenance, rehabilitation, or further evaluation.
- Review property ownership, condition, and preservation priorities where appropriate.
- Document potential concerns involving deterioration, safety, or incompatible alterations.
- Explore funding opportunities for restoration, rehabilitation, and preservation planning.
- Encourage coordination among property owners, preservation organizations, and relevant public agencies.

Issues and Next Steps:

Staff will develop a prioritized list of historic preservation concerns and determine which matters require administrative action, Council direction, or coordination with property owners.

4. Strike Team Status and Operational Update

Staff will provide an update on the status of strike team operations, including the current suspension.

Items for Review:

- Current strike team status and operational responsibilities.
- Personnel availability, equipment readiness, and associated costs.
- Any future suspension, demobilization, or reassignment decisions.
- Budgetary implications and outstanding financial obligations.
- Coordination with participating agencies and responsible officials.

Issues and Next Steps:

The Town Administrator will verify the current operational status, identify any required approvals, and provide the Town Council with recommendations concerning continuation, suspension, or other changes. Any action affecting public safety or emergency response will be coordinated with the appropriate authorities.

5. Administrative Priorities for the Coming Month

The Town Administrator's priorities for the next reporting period are to:

1. Continue monitoring the Town's financial performance and budget compliance.
2. Advance historic district planning and identify outstanding preservation requirements.
3. Establish priorities for the maintenance and protection of historic properties.
4. Clarify strike team operational status, funding implications, and any pending decisions.
5. Keep the Town Council informed of significant developments, risks, and matters requiring direction.

6. Town Council Action and Direction

The Town Council has been asked to review this report and provide direction, as appropriate, regarding:

- Budget priorities and any anticipated financial adjustments.

- Historic district planning and preservation initiatives.
- Historic property concerns requiring further investigation or action.
- Strike team status, including any proposed suspension or operational changes.

Submitted by:
Town Administrator
Town of Fort Jones

Bank Accounts

Operations Accnt	3180	\$478,667.47
CDBG Reserve	3100	\$1,790,170.01
Enterprise Reserve	3170	\$594,323.54
Total		\$2,863,161.02

Encumbrances

Totals

Sensus Meters-Aqua

Meteric	\$	70,000.00	\$70,000.00	\$478,667.47
CalCard Estimate	\$	9,265.00	\$9,265.00	\$880,769.04
Payroll to the end of 2026	\$	154,274.04	\$154,274.04	-\$402,101.57
Special Accounting	\$	100,000.00	\$100,000.00	
Audit	\$	300,000.00	\$300,000.00	
Catalyst Environmental Solutions	\$	6,600.00	\$6,600.00	
Gworks	\$	8,400.00	\$6,000.00	\$14,400.00
Consulting fee to the end of 2026	\$	40,830.00	\$40,830.00	
AP to the end of 2026	\$	185,400.00	185,400.00	

Grand Total

\$880,769.04

Deferred Revenue

Fire	\$	687,767.22	\$687,767.22
Not Requested yet (Fire)	\$	193,565.87	\$193,565.87
Public Works	\$	59,196.50	\$59,196.50
Water & Sewer	\$	110,000.00	\$110,000.00

\$1,050,529.59



Special Meeting Minutes
Thursday, September 3, 2026 @ 3:30pm
Town Hall
11960 East Street Fort Jones, CA 96032

CALL TO ORDER AND ROLL CALL:

The regular meeting of the Fort Jones Town Council was called to order in person by Mayor Madeleine DeAndreis 3:40pm. In addition to the mayor, councilmembers present were Michelle DeCausmaker and Paula Johnson.

Staff present: George Brenard – Town Administrator, Corinne Guidi – Town Clerk and Wayne Miller - IT

Absent: M. Garcia and A. LaRiviere

PLEDGE OF ALLEGIANCE:

Mayor DeAndreis

PUBLIC COMMENTS:

Pastor David Johsson Church of Gods Glory spoke about El Nino and how he can help the residents in need.

ADJOURN TO CLOSED SESSION:

4:10PM

Council Adjourned to closed session to discuss the potential litigation to (Gov. Code §54956.9(d) 2)

RETURN TO OPEN SESSION:

REPORT ON CLOSED SESSION

Report to Staff to return to closed session on September 10, 2026 @ 6pm

STAFF COMMENTS:

None

ADJOURNMENT:

5:30 pm

The next Fort Jones Town Council Meeting is scheduled to be held on September 14, 2026, at 6:00 p.m.

Attest:

Corinne Guidi Town Clerk

Approved:

Madeleine DeAndreis

It is the intention of the Town of Fort Jones to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the Town will attempt to accommodate you in every reasonable manner. Individuals who need auxiliary aids or services for effective communication or to participate in programs and services of the Town of Fort Jones are invited to make their needs and preferences known by contacting the City Hall office, (530) 468-2281, at least 72 hours prior to the meeting.

Town of Fort Jones • 11960 East Street • Fort Jones, CA 96032 • s30 468-2281



Special Meeting Minutes
Thursday, September 10, 2026 @ 6:00 pm
Town Hall
11960 East Street, Fort Jones, CA 96032

CALL TO ORDER AND ROLL CALL:

Mayor Madeleine DeAndreis called the special meeting of the Fort Jones Town Council to order at 6:02 pm in person. In addition to the mayor, councilmembers present were Michelle DeCausmaker and M. Garcia. Councilmember Paula Johnson arrived late.

Staff present: George Brenard – Town Administrator, Corinne Guidi – Town Clerk
Zoom: A. Jared – Town Attorney

Absent: A. LaRiviere

PLEDGE OF ALLEGIANCE:

Mayor DeAndreis

PUBLIC COMMENTS:

Suzi LaMarr
Dustin Bispo

CLOSED SESSION:

Direction given to staff

RETURN TO OPEN SESSION: 6:13 PM

OPEN SESSION:

DISCUSSION / REPORT: ACTION ITEMS:

A. Approve Resolution 1156 as presented authorizing an interfund loan for special accounting/audit expenses:

Motion #1: Resolution 1155 of the Town Council of the Town of Fort Jones reclassifying certain expenditures as an interfund loan and establishing a repayment plan.

Motion: M. DeCausmaker: Resolution 1155 of the Town Council of the Town of Fort Jones reclassifying certain expenditures as an interfund loan and establishing a repayment plan.

Second: P. Johnson

Ayes: M. DeAndreis, M. DeCausmaker, M. Garcia and P. Johnson

Nays:

Abstain:

Absent: A. LaRiviere

Motion passed

B.

Motion #2: To approve Resolution 1156 as presented, authorizing an interfund loan for special accounting. Audit expenses:

A.: authorize staff to purchase fund accounting software not to exceed \$10,000.00

Public Comment:

Suzie LaMarr:

Dustin Bispo:

Motion: DeAndreis: To approve Resolution 1156 as presented, authorizing an interfund loan for special accounting. Audit expenses and authorize staff to purchase fund accounting software not to exceed \$10,000.00

Second: M. DeCausmaker

Ayes: M. DeAndreis, M. DeCausmaker, M. Garcia and P. Johnson

Nays:

Abstain:

Absent: A. LaRiviere

Motion passed

C.: Approve the descriptions as presented:

Motion #3: To approve the job descriptions as presented:

A. Public Works Director

Public Comment: Suzie LaMarr

Staff comments: Garcia commented on the Public Works Director's position and the education.

Motion: M. Garcia to approve of the Public Works Director position with the addition of an A.A. education

Second: P. Johnson

Ayes: M. DeAndreis, M. DeCausmaker, M. Garcia and P. Johnson

Nays:

Abstain:

Absent: A. LaRiviere

Motion passed

Motion #4: To approve the job description as presented:

B. Accountant/Deputy Town Clerk

Public Comment: Dustin Bispo agrees with the Town Administrator

Suzie LaMarr commented

Staff comments: M. Garcia inquired about the position being full-time combined

Motion: M. DeCausmaker to authorize the Town Administrator to allocate the full-time account salary in the approved salary schedule to increase the base pay amount for the combined position of Accountant/Deputy Town Clerk, Customer Service Clerk, and Town Clerk to increase retention and quality of staff

Second: M. DeAndreis

Ayes: M. DeAndreis, M. DeCausmaker, M. Garcia and P. Johnson

Nays:

Abstain:

Absent: A. LaRiviere

Motion passed

Motion #5: To approve the job description as presented:

C. Parks and Rec Worker

Public Comment: Suzie LaMarr agrees with George

Staff comments:

Motion: M. DeAndreis, authorizing the Parks and Rec worker job description Recreation, to authorize the Parks and Rec position maintenance worker job description

Second: M. DeCausmaker

Ayes: M. DeAndreis, M. DeCausmaker, M. Garcia and P. Johnson

Nays:

Abstain:

Absent: A. LaRiviere

D. Authorize reallocation of approval salaries

Motion #6

Motion: M. DeCausmaker authorizes the Town Administrator to reallocate approved salaries and increase the base pay

Second: P. Johnson

Ayes: M. DeAndreis, M. DeCausmaker, M. Garcia and P. Johnson

Nays:

Abstain:

Absent: A. LaRiviere

E. Authorize staff to apply for CalOES funding for backup generators for critical infrastructure

Motion #7

Motion: P. Johnson authorizes staff to apply for CalOES funding for backup generators for critical infrastructure

Second: M. Garcia

Ayes: M. DeAndreis, M. DeCausmaker,

Nays:

Abstain:

Absent: A. LaRiviere

STAFF COMMENTS:

Mayor DeAndreis stated that we must have a plan

ADJOURNMENT:

7:05 pm

The next Fort Jones Town Council Meeting is scheduled to be held on September 14, 2026, at 6:00 p.m.

Attest:

Approved:

Corinne Guidi Town Clerk

Madeleine DeAndreis

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**Fort Jones Town Council
Regular Meeting Minutes
Monday, September 14, 2026 @ 6:30 pm**

CALL TO ORDER AND ROLL CALL:

Mayor Madeleine DeAndreis called the regular meeting of the Fort Jones Town Council to order in person at 6:30 pm. In addition to the mayor, councilmembers present were Michelle DeCausmaker, Mercedes Garcia, Alex LaRiviere, and Paula Johnson.

Staff present: Everett Hullquist – Public Works, Joseph Hess – Fort Jones Fire Chief, Town Administrator – George Brenard, Corinne Guidi - Town Clerk

PLEDGE OF ALLEGIANCE: Led by: Council member: Alex LaRiviere

PUBLIC COMMENTS:

Alex LaRiviere: Due to the town having no funds, he will be refusing the council stipend
Town Administrator -

DISCUSSION / REPORTS CORRESPONDENCE: NON-ACTION ITEMS:

- A. Police Department Monthly Report:** a written report appears in the agenda packet.
Public Comment: none
Council Discussion: none
- B. Fire Department Monthly Report:** a written report appears in the agenda packet.
Public Comment: none
Council Discussion: none
- C. Public Works Report:** a written report appears in the agenda packet.
Public Comment: none
Council discussion: none
- D. Administration/Accounting Report:** a written report appears in the agenda packet.
Public Comment: none
Council Discussion: none

CONSENT CALENDAR:

- a.) Approval of Minutes:
- b.) Regular Meeting August 10, 2026

c.) Special Meeting August 20, 2026

d.) Special Meeting August 24, 2026

Staff comment: Town Clerk will consult with M. Garcia to edit minutes

Public Comment: none

Council Member: M. Garcia: minutes mostly time discrepancy

Motion: M. Garcia accepts the approval of the consent calendar items a.) through g.) after changes have been made to the minutes.

Second: A. LaRiviere seconded the motion

Ayes (roll call vote): M. DeCausmaker, P. Johnson, M. DeAndreis, A. LaRiviere and M. Garcia

Nays:

Motion: passes

DISCUSSION / REPORTS: ACTION ITEMS:

1. Consideration of support in an amount ranging from \$500.00 to \$1,700 for the Collier Interpretive & Information Center

Public comment: Rennie Cleland: We will be having the grant writers on trying to help with the are looking into having the students

Council Discussion: P. Johnson needs to consider the larger amount, given that we gave money for a 3-day event, we can give the \$1,700 to help our county as a whole and would be grateful.

The young people can work interim programs to gain paid work experience and get training.

Mayor, we have had owners state in the valley What have you done for us lately. In favor of the business, have things to place in the kiosk or a poster at the gateway to the Marbles Mountains.

Mayor would like this to come to the council next year.

Motion: P. Johnson made a motion to approve the \$1,700 for the Collier Interpretive Information Center for this year.

Second: M. DeCausmaker

Ayes (roll call vote): DeAndreis, DeCausmaker, M. Garcia, P. Johnson

Nays: A. LaRiviere

Motion: passed 4 to 1

2. Approval of a Resolution noticing November 3, 2026, General Municipal Election and Requesting Consolidation with the Statewide General Election

Staff comment: Town Clerk clarified that there are 3 vacant seats on council and the election packets will be made available between July 13th and August 7. Appointments are required for this process and can be made during that time.

Public comment: None

Council Discussion: M. Garcia wanted to know if the appointments can be made before the July 13th date. Town clerk stated must be made during that time.

Motion: M. Garcia moved to approve Resolution noticing November 3, 2026, General Municipal Election and Requesting Consolidation with the Statewide General Election

Second: A. LaRiviere

Ayes (roll call vote): M. DeAndreis, M. DeCausmaker, P. Johnson and A. LaRiviere

Nays: None

Motion: passed

3. By motion to consider a Salary adjustment for the position of Town Clerk from step one to step three, as per the approved Salary Schedule.

Staff: Silvia, Town Clerk, joined the Town of Fort Jones on September 15, 2025, and she is an appointee of the council municipal code; you are the one to grant that. Had a meeting in closed session regarding this with the Town clerk, and the discussion was to come back for a discussion from step 1 to step 3 as pre-approved; if there are any questions, let Silvia know.

Public comment: none

Council Discussion:

Motion: A. LaRiviere to approve from step one to step three as per the approved Salary Schedule.

Second: P. Johnson

Ayes (roll call vote): M. DeAndreis, M. DeCausmaker, M. Garcia, P. Johnson, A. LaRiviere

Nays: none

Motion: passed

4. Official City records kept in a safe deposit box at Mechanics Bank and staff recommend that Town Council discuss the two options: 1.) keeping the safe deposit or 2.) to purchase a safe/vault for the approximate cost of \$274.00 and bring records back into the office.

Staff:

Public comment: none

Council discussion:

Chief Hess: recommends a fire safe vault

Town Clerk: commented that her training indicated all important town documents need to always be in the town office.

Attorney: A. Jared suggested a fireproof vault as well.

Motion: M. DeCausmaker to research and purchase the safe/vault up to \$2,000

Second: P. Johnson

Ayes (roll call vote): M. DeAndreis, M. DeCausmaker, P. Johnson, M. Garcia and A. LaRiviere

Nays: none

Motion: passed

5. Approve by resolution the 26-27 Budget for the Town of Fort Jones, including approval of Phase 1 of the Water Main replacement Project for a total of \$135,573.75 to be paid out of the Water Fund.

Public comment: Dustin Bispo would like to see this approved.

Staff:

Town Administrator: The budget can be amended throughout the year.

Council Discussion:

Attorney – A. Jared: Clarified in Fort Jones the city code requirements for posting

M. DeCausmaker: questioned why the fire dept. gets \$ 379,037 in tax allocation revenue

M. Garcia: called in question as to why bulk water has zero.

Chief Hess: responded to M. DeCausmaker's question.

Public comment: none

Motion: A. LaRiviere approved by resolution the 26-27 Budget for the Town of Fort Jones, including approval of Phase 1 of the Water Main replacement Project for a total of \$135,573.75 to be paid out of the Water Fund.

Second: P. Johnson

Ayes (roll call vote): M. DeAndreis, M. DeCausmaker, P. Johnson, M. Garcia, A. LaRiviere
Nays:

Motion: passed

6. Amendment of current Law Enforcement Services MOU, and renewal of 2026-2029 City of Etna & Town of Fort Jones Police MOU

Public comment: none

Staff:

Chief Short: explained the 2025 shortfall had to do with unforeseen costs, mainly the addition of staff. He agreed that the last – minute shortfall was not well planned, and both towns need to work together for budgeting.

Council Discussion:

Motion: A. LaRiviere to amend the current Law Enforcement Services MOU, and renewal of 2026-2029 City of Etna & Town of Fort Jones Police MOU

Second: P. Johnson

Ayes (roll call vote): M. DeAndreis, M. DeCausmaker, P. Johnson, M. Garcia and A. LaRiviere

Nays:

Motion: passed

COUNCIL COMMENTS:

Staff Comment: Town Clerk & Mayor DeAndreis would like to express appreciation for Administrator Silvia Vonderlinden's service.

ADJOURNMENT:

The meeting was adjourned at 8:53p.m. The next regular town council meeting is scheduled to be held on October 12, 2026 @ 6:30pm.

Attest:

Corinne Guidi, Town Clerk

Approved:

Madeleine DeAndreis, Mayor



Special Meeting Minutes
Friday, September 18, 2026, at 5:00 pm
Town Hall
11960 East Street, Fort Jones, CA 96032

CALL TO ORDER AND ROLL CALL:

Mayor Madeleine DeAndreis called the regular meeting of the Fort Jones Town Council to order at 1:00 pm in person. In addition to the mayor, councilmembers present were Michelle DeCausmaker and Mercedes Garcia

Staff present: George Brenanrd – Town Administrator, Corinne Guidi – Town Clerk

Absent: Alex LaRiviere and Paula Johnson.

PLEDGE OF ALLEGIANCE: Led by Mayor DeAndreis

PUBLIC COMMENTS: None

OPEN SESSION:

Motion #1: To amend Resolution #1157A of the Town Council, Authorizing the opening of a New Bank Account and Designating authorized signatories

Added: Treasurer – Mercedes Garcia, council member

Motion: M. Garcia made a motion to add the Treasurer to Resolution #1157 of the Town Council, Authorizing the opening of a New Bank Account and Designating authorized signatories

Second: M. DeCausmaker

Nays:

Ayes (roll call vote): M. DeAndreis, M. DeCausmaker, M. Garcia

Abstain:

Absent: A. LaRiviere, P. Johnson

A: Council to Interview for Public Works Director position

Motion: M. DeCausmaker moved to approve E. Hullquist as the Director of Public Works

Second: M. DeAndreis

Nays:

Ayes (roll call) M. DeAndreis, M. DeCausmaker, M. Garcia

Abstain:

Absent: A. LaRiviere, P. Johnson

B: Council to review salary allocation for all positions

Motion: M. Garcia to approve that council allow salary allocations for all positions

Second: M. DeAndreis

Nays:

Ayes (roll call) M. DeAndreis, M. DeCausmaker, M. Garcia

Abstain:

Absent: A. LaRiviere, P. Johnson

ADJOURNMENT:

The next Fort Jones Town Council Meeting is scheduled for October 12, 2026 at 6:00 p.m.

Attest:

Corinne Guidi Town Clerk

Approved:

Madeleine DeAndreis, Mayor

CERTIFICATION OF POSTING AGENDA

I, Corinne Guidi, Town Clerk, for the Town of Fort Jones, hereby certify that the agenda for the September 18, 2026 special meeting of the Town Council was posted at the Town Hall, near the door of the Town Council Chambers, Ray's Food Place, Ace Hardware, on the front window of the Fort Jones Post Office, and on the Town's website www.fortjonesca.org, on September 17, 2026.

I declare under the penalty of perjury that the foregoing is true and correct.

Corinne Guidi, Town Clerk

The Town of Fort Jones intends to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings regularly, you will need special assistance beyond what is normally provided, the Town will attempt to accommodate you in every reasonable manner. Individuals who need auxiliary aids or services for effective communication or to participate in programs and services of the Town of Fort Jones are invited to make their needs and preferences known by contacting the City Hall office, (530) 468-2281, at least 72 hours prior to the meeting.



Special Meeting Minutes
Wednesday, September 23, 2026, at 6:00 pm
Town Hall
11960 East Street Fort Jones, CA 96032

CALL TO ORDER AND ROLL CALL:

The regular meeting of the Fort Jones Town Council was called to order in person by Mayor Madeleine DeAndreis at 6:00 pm. In addition to the mayor, councilmembers present were Michelle DeCausmaker and Paula Johnson.

Staff present: George Brenard – Town Administrator, Corinne Guidi – Town Clerk
Zoom: Alex LaRiviere - Council member and A. Jared – Town Attorney
Absent: M. Garcia – Council member

PLEDGE OF ALLEGIANCE: Led by Mayor DeAndreis

***Council member M. DeCausmaker was instructed to leave the meeting due to a conflict of interest for the CDBG

PUBLIC COMMENTS: None

OPEN SESSION:

1. Review and adopt a new Resolution 1158 to close all bank accounts and to re-establish one checking account and have (3) Money Market accounts that are labeled as follows:
 - Fire Reserve
 - CDBG Reserve
 - Enterprise Reserve (water/sewer/roads)

Motion: P. Johnson moved to adopt a new Resolution 1158 to close all bank accounts and to re-establish one checking account and have (3) Money Market accounts that are labeled as follows:

- Fire Reserve
- CDBG Reserve
- Enterprise Reserve (water/sewer/roads)

Second: A. LaRiviere

Ayes (roll call vote): M. DeAndreis, M. DeCausmaker, P. Johnson, and A. LaRiviere

Nays:

Absent: M. Garcia

Abstain:

Motion: passed

ADJOURNMENT:

6:23 pm

The next Fort Jones Town Council Meeting is scheduled to be held on October 12, 2026, at 6:00 p.m.

Attest:

Corinne Guidi Town Clerk

Approved:

Madeleine DeAndreis, Mayor

The Town of Fort Jones intends to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings regularly, you will need special assistance beyond what is normally provided, the Town will attempt to accommodate you in every reasonable manner. Individuals who need auxiliary aids or services for effective communication or to participate in programs and services of the Town of Fort Jones are invited to make their needs and preferences known by contacting the City Hall office at (530) 468-2281, at least 72 hours prior to the meeting.



Special Meeting
Minutes
Monday, September 28 @ 4:30 pm
Town Hall
11960 East Street, Fort Jones, CA 96032

CALL TO ORDER:

The special meeting of the Fort Jones Town Council was called to order by:

Members: DeAndreis____DeCausmaker____ Garcia____ Johnson____ LaRiviere____

Zoom: A. Jared – Town Attorney

PLEDGE OF ALLEGIANCE:

PUBLIC COMMENTS:

Discussion items only; no action to be taken. Any person may address the Council at this time on any subject within the jurisdiction of the Town of Fort Jones that is not on the agenda; however, any matter that requires action may be referred to staff and/or committee for a report and recommendation for possible action at a subsequent council meeting.

There is a three (3) minute limit per person.

Jaime Shrearer: Being evicted from 101 Butte Street; Lived in the area and worked as a volunteer for the Town. Where to go with his family. No place to go and needs help for his family from the town.

Mitchel Patterson (Smokey): Being evicted from 101 Butte Street. Lived in the area and worked as a volunteer for the town. Upset about being displaced and needs help from the town.

Donald Campo: Works for the greenhouse nursery and has no place to go. Needs help from the town.

CLOSED SESSION:

No action taken and direction to staff

Reconvene Open Session and report from Closed Session:

State and County resources are working to help with the 10 people moved, and Town Attorney A. Jared will be working on the Ordinances plan

COUNCIL MEMBER COMMENTS:

None

ADJOURNMENT:

The next Fort Jones Town Council Meeting is scheduled for October 12, 2026, at 6:30 p.m.

CERTIFICATION OF POSTING AGENDA

I, Corinne Guidi, Town Clerk, for the Town of Fort Jones, hereby certify that the agenda for the September 28, 2026, special meeting of the Town Council was posted at the Town Hall, near the door of the Town Council Chambers, Ray's Food Place, Ace Hardware, on the front window of the Fort Jones Post Office, and on the Town's website www.fortjonesca.org, on September 25, 2026.

I declare under penalty of perjury that the foregoing is true and correct.

Corinne Guidi, Town Clerk

It is the intention of the Town of Fort Jones to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the Town will attempt to accommodate you in every reasonable manner. Individuals who need auxiliary aids or services for effective communication or to participate in programs and services of the Town of Fort Jones are invited to make their needs and preferences known by contacting the City Hall office at (530) 468-2281, at least 72 hours prior to the meeting.



Siskiyou County
PROCLAMATION

19th ANNUAL "READ ACROSS SISKIYOU" 2025 EVENT

Sponsored By First 5 Siskiyou Children and Families Commission

WHEREAS, the ultimate goal of the First 5 Siskiyou Children and Families Commission is that all of Siskiyou's children from prenatal through 5 years of age will be healthy, ready to learn, and supported in safe, nurturing families and communities; and

WHEREAS, children in Siskiyou County from prenatal through 5 years of age have a successful start in life through daily reading with supportive and nurturing families, caregivers, educators and community leaders; and

WHEREAS, early literacy is the foundation for academic, social emotional, and economic success; and

WHEREAS, First 5 Siskiyou, in partnership with Siskiyou County Library, dedicates one day each year to promote early literacy by providing the same titled book to be read by guest readers to children in various preschools, kindergartens, child care settings, libraries and online events throughout Siskiyou County on the same day and provide each child with a copy of that book to take home.

THEREFORE, the City of Fort Jones hereby proclaims November 18, 2026 as the 19th anniversary of "Read Across Siskiyou" and be it that this body enthusiastically endorses daily reading, singing and playing with children as a critical foundation for healthy development and life long success.

Signed: _____ Date: _____

Madeleine DeAndreis, Mayor
City of Fort Jones



A

TOWN OF FORT JONES

PLANNING COMMISSION STAFF REPORT

Meeting Date: October 5, 2026

Agenda Item: A

Project: Establishment of a Fort Jones Historic District and Historic Preservation Commission

Applicant: Town of Fort Jones

Staff: Tow Administrator

Recommendation: Recommend that the Town Council adopt an ordinance establishing a local historic district and Historic Preservation Commission, subject to the modifications and implementation measures identified in this report.

I. REQUEST

The Planning Commission is being asked to consider recommending that the Town Council establish a **local Fort Jones Historic District** and create a **Historic Preservation Commission** to administer the Town's historic preservation program.

The proposed action would:

1. Establish a locally designated historic district generally encompassing the historic downtown/Main Street area and other adjoining properties identified through a qualified historic resources survey;
2. Establish criteria and procedures for designation of contributing and non-contributing properties;
3. Establish a Historic Preservation Commission to advise the Town and conduct historic-resource review;
4. Establish a review process for alterations, demolition, relocation, and new construction affecting designated historic resources;
5. Establish appropriate preservation and design guidelines;
6. Provide procedures for economic hardship, appeals, and administrative review;
7. Establish a local inventory/register of historic resources; and
8. Provide a framework through which the Town may subsequently pursue Certified Local Government status with the California Office of Historic Preservation.

The precise district boundaries should be established by ordinance and accompanying map after completion or verification of the historic resources survey described below.

II. EXECUTIVE SUMMARY

Fort Jones has a documented concentration of historic resources, particularly in and around its downtown area. The Town's General Plan identifies **Historic Main Street, Victorian residences, churches, and other historic structures** as important community resources. The General Plan states that 26 structures were identified through a local survey as having historic qualities dating from the late 1800s and specifically identifies creation of a historic district and a design-review process as means of protecting downtown character and nearby historic residences.

The General Plan also contains a specific historic-preservation goal, **LU-5: "Protect and preserve the historic qualities of the community."** Policy LU-5A calls for a design-review process in the historic downtown area covering new development and exterior remodeling, while Policy LU-5B calls for protection of historic residential and commercial structures outside a designated district.

The proposed ordinance would convert those existing policy objectives into an operational local preservation program.

The proposal should not be understood as prohibiting reasonable development or ordinary maintenance. Rather, the purpose is to establish a predictable process under which alterations to designated historic properties are evaluated for compatibility with the documented historic character of the district.

California's Office of Historic Preservation advises that local preservation ordinances commonly address the creation and powers of a preservation commission, designation criteria and procedures, economic-hardship provisions, maintenance, review procedures, incentives, enforcement, appeals, and definitions.

III. BACKGROUND

A. Historic Character of Fort Jones

The Town's General Plan describes Fort Jones and Scott Valley as having a history strongly associated with mining, lumbering, ranching, settlement, and the development of the community during the nineteenth and early twentieth centuries.

The General Plan identifies the following historic features:

- Historic Main Street;
- Victorian-style residences;
- Scott Valley Cemetery;
- Mining and industrial remnants;
- Methodist and Catholic churches; and
- Other commercial and residential structures possessing historic qualities.

The General Plan states that most of the identified historic structures are located within or near downtown Fort Jones and reports that **26 structures were identified by a local survey as having historic qualities from the late 1800s**. It further notes the presence of brick, wood, and metal commercial facades characteristic of the historic downtown.

The General Plan expressly states that creation of a historic district could help protect the downtown character and nearby historic residential structures and recommends a design-review process and development standards.

The Town's existing General Plan therefore provides a direct policy foundation for considering a local historic district.

Important implementation note: The available General Plan was prepared with a planning horizon through 2025. Because that horizon has passed, staff should verify the proposal against any subsequently adopted General Plan amendments, Housing Element updates, zoning amendments, or other applicable planning documents before the Town Council takes final action.

B. Existing Historic Resources

Fort Jones already contains resources recognized at the state and federal levels.

California State Parks' Office of Historic Preservation identifies the **Fort Jones House** in Fort Jones as a listed historic resource, with a registration date of April 22, 1976.

The National Register documentation identifies the Fort Jones House as significant in the areas of architecture, commerce, and exploration/settlement, with Greek Revival and Federal architectural characteristics.

California State Parks also identifies **Site of Fort Jones, California Historical Landmark No. 317**, associated with the establishment of the military post in 1852.

These resources demonstrate that Fort Jones possesses documented historic resources at multiple levels of recognition. A local district would provide a separate local planning mechanism for identifying and managing the broader concentration of historic resources within the community.

IV. PURPOSE OF THE PROPOSED HISTORIC DISTRICT

The proposed district would establish a local framework for:

- Recognizing Fort Jones's historic downtown and associated residential areas;
- Maintaining the visual and architectural character of the district;
- Encouraging rehabilitation rather than unnecessary demolition;
- Providing predictable standards for alterations and new construction;
- Protecting contributing historic resources from incompatible changes;
- Encouraging adaptive reuse of historic buildings;
- Supporting heritage tourism and downtown revitalization;
- Providing property owners with information concerning preservation techniques and incentives; and
- Creating an institutional framework for long-term preservation planning.

California State Parks identifies historic resources as community assets that can contribute to community identity, economic activity, rehabilitation, adaptive reuse, and sustainable use of existing buildings and infrastructure.

The proposed district should therefore be administered as a **preservation-and-reinvestment program**, rather than solely as a regulatory program.

V. PROPOSED DISTRICT BOUNDARIES

Staff recommends that the final district boundary be based on a professionally prepared historic resources survey and historic-context analysis.

The General Plan indicates that the concentration of potentially historic resources is centered on the downtown area and identifies a historic overlay area on the General Plan land-use map.

The final boundary should consider:

1. Concentration of historic resources;
2. Shared historical development patterns;
3. Historic streetscapes and views;
4. Integrity of the potential district;
5. Relationship between commercial and residential resources;
6. Existing parcel boundaries where practical;
7. Historic-period development patterns;
8. Existing zoning and land uses; and
9. The administrative practicality of the district.

The district should **not be drawn merely to capture a predetermined number of parcels**. Its boundaries should follow the documented historic context and concentration of contributing resources.

Recommended district documentation

Before final adoption, staff should prepare or commission:

- Historic Context Statement;
- Historic Resources Survey;
- District map;
- Parcel-by-parcel inventory;
- DPR 523 forms or equivalent documentation where appropriate;
- List of contributing resources;
- List of non-contributing resources;
- Period of significance;
- Statement of significance;
- Character-defining features;

- Historic district photographs; and
- Proposed design guidelines.

California State Parks recommends that local surveys evaluate resources within appropriate historic contexts and consider potential historic districts and preservation overlay areas.

VI. HISTORIC DISTRICT DESIGNATION CRITERIA

Staff recommends that the local ordinance use criteria substantially consistent with the California Register of Historical Resources.

Under California law, a resource may qualify for the California Register based on association with significant historical events, association with important persons, distinctive architectural or construction characteristics, or the potential to yield important information about history or prehistory.

The proposed Fort Jones ordinance should provide that a district may be designated when the district:

1. Represents an identifiable historical development pattern;
2. Contains a significant concentration or continuity of historic resources;
3. Has a documented period of significance;
4. Possesses sufficient integrity to convey its historic significance; and
5. Meets one or more locally adopted historical, architectural, cultural, or archaeological significance criteria.

The ordinance should also identify the relationship between:

- **Contributing resources** — resources that individually or collectively contribute to the district's significance;
- **Non-contributing resources** — resources that do not contribute to the district's historic significance; and
- **Vacant or undeveloped parcels.**

The distinction is important because a district should not treat every building within its boundaries as historically significant merely because it is geographically located within the district.

VII. HISTORIC PRESERVATION COMMISSION

A. Establishment

Staff recommends creation of a **five-member Fort Jones Historic Preservation Commission** appointed by the Town Council.

The Commission could be established as an advisory and regulatory body with responsibilities delegated by ordinance.

California's Certified Local Government program requires participating local governments to establish an historic preservation review commission by ordinance and maintain an inventory and public participation program.

B. Membership

The ordinance should seek members with knowledge or interest in:

- Local history;
- Architecture;
- Historic preservation;
- Planning;
- Construction or rehabilitation;
- Archaeology;
- Cultural resources; and
- Fort Jones community history.

Because Fort Jones is a small community, the ordinance should allow qualified local residents and interested community members to serve when specialized professionals are not available.

California's CLG guidance expressly recognizes that local commissions may include lay members with demonstrated interest, competence, experience, or knowledge in historic preservation and allows flexibility when a community makes a reasonable effort to obtain specialized disciplines.

C. Duties

The Commission should:

1. Review applications affecting designated historic resources;
2. Review Certificates of Appropriateness;
3. Make recommendations regarding historic-resource and district designations;
4. Maintain and periodically update the local historic resources inventory;
5. Review proposed demolition or relocation of designated resources;
6. Recommend preservation design guidelines;
7. Advise the Planning Commission and Town Council on historic preservation matters;
8. Recommend preservation incentives;
9. Promote public education concerning Fort Jones history;
10. Assist with grant applications;
11. Coordinate with the Fort Jones Museum and other local historical organizations;
12. Review applicable CEQA documents concerning historic resources when referred to it; and
13. Participate in development of a future local historic preservation plan.

The Commission should not duplicate responsibilities assigned by law to the Planning Commission, Town Council, Building Official, or other agencies.

VIII. CERTIFICATE OF APPROPRIATENESS REVIEW

Staff recommends establishing a **tiered review system** rather than requiring Commission review of every minor maintenance activity.

Administrative review

Routine work that does not affect character-defining features could be administratively approved, including examples such as:

- Interior remodeling with no exterior effect;
- Routine painting;
- Repair in-kind;
- Minor landscaping;
- Roof repair using substantially similar materials;
- Maintenance of existing features; and
- Other work identified in adopted guidelines as exempt.

Historic Preservation Commission review

Commission review should generally be required for:

- Major exterior alterations;
- Additions;
- New construction within the district;
- Demolition or relocation of contributing resources;
- Removal of significant architectural features;
- Substantial changes to storefronts;
- Significant changes to windows or doors;
- Alterations affecting a building's primary façade; and
- Other work identified in the ordinance or guidelines.

The review standards should be objective and based upon adopted historic preservation guidelines.

IX. DESIGN GUIDELINES

The ordinance should be accompanied by design guidelines addressing, at minimum:

- Building mass and scale;
- Building setbacks;
- Roof forms;
- Exterior materials;
- Windows and doors;
- Storefronts;
- Porches;
- Awnings;
- Signage;
- Lighting;

- Paint colors;
- Accessibility improvements;
- Mechanical equipment;
- Solar energy systems;
- Parking and site improvements;
- New construction;
- Additions;
- Demolition; and
- Adaptive reuse.

The guidelines should recognize that historic buildings must remain economically and functionally viable.

The Secretary of the Interior's Standards should be incorporated by reference or used as a principal framework for evaluating rehabilitation and alterations. California OHP identifies use of the Secretary of the Interior's Standards as a means of providing consistent and defensible historic-resource review.

X. DEMOLITION AND RELOCATION

The ordinance should establish a specific procedure for demolition of contributing historic resources.

Staff recommends that demolition not be automatically prohibited. Instead, the ordinance should establish findings addressing:

1. Whether the property is a contributing historic resource;
2. Whether reasonable alternatives to demolition have been considered;
3. Whether rehabilitation or adaptive reuse is feasible;
4. Whether the proposed demolition would materially impair the historic district;
5. Whether the property is unsafe and, if so, whether repair is feasible;
6. Whether the applicant has demonstrated economic hardship where required; and
7. Whether documentation or other mitigation should be required.

The ordinance should distinguish between **ordinary deterioration** and documented conditions that make preservation infeasible.

XI. ECONOMIC HARDSHIP

The ordinance should contain an economic-hardship procedure.

California OHP specifically recommends that preservation ordinances provide a process allowing property owners to demonstrate unusual or extreme economic hardship in appropriate circumstances.

The hardship process should require appropriate documentation and should not create an automatic entitlement to demolition.

Potential documentation may include:

- Appraisals;
- Rehabilitation cost estimates;
- Comparable sales;
- Income and expense information for income-producing property;
- Contractor estimates;
- Financing information;
- Evidence of efforts to sell or lease the property; and
- Alternatives considered by the owner.

XII. PRESERVATION INCENTIVES

Regulation should be accompanied by incentives whenever feasible.

Potential Fort Jones incentives include:

- Mills Act historical property contracts, if the Town elects to establish a program;
- Fee reductions or waivers where legally authorized;
- Expedited review for qualifying rehabilitation projects;
- Technical assistance to property owners;
- Recognition plaques or signage;
- Assistance with preservation grants;
- Flexibility for adaptive reuse where consistent with applicable health and safety requirements;
- Public education and workshops; and
- Coordination with state and federal rehabilitation programs.

The Mills Act, under California Government Code section 50280 et seq., allows participating local governments to enter into contracts with owners of qualifying historical properties for preservation, restoration, and rehabilitation in exchange for property-tax treatment established by state law. The Town would need to separately establish and administer such a program if it wishes to participate.

Staff recommends **not making adoption of a Mills Act program a prerequisite to establishing the district**. The Town could evaluate the fiscal and administrative implications of such a program separately.

XIII. CEQA

The Town Attorney and environmental consultant should confirm the appropriate California Environmental Quality Act determination before final adoption.

The proposed ordinance establishes a regulatory and planning framework for preservation and does not itself approve construction, demolition, or other physical development.

Depending upon the final form of the ordinance and the City's determination regarding whether the action constitutes a "project," potential CEQA approaches may include a determination that the action is not a project under CEQA, or an applicable statutory or categorical exemption.

This issue should be documented in the final staff report and Council ordinance materials.

Future development projects within the district would remain subject to whatever CEQA review is otherwise required.

CEQA is particularly relevant because California law provides that a project that may cause a substantial adverse change in the significance of a historical resource may have a significant environmental effect. Resources included in a local register receive a statutory presumption of historic or cultural significance unless the preponderance of evidence demonstrates otherwise.

XIV. GENERAL PLAN CONSISTENCY

The proposal is supported by the Town's existing General Plan.

Goal LU-5

The General Plan establishes:

GOAL LU-5: Protect and preserve the historic qualities of the community.

The associated objective recognizes the contribution of historic residential and commercial structures to community character and tourism.

Policy LU-5A

Policy LU-5A calls for a design-review process in the historic downtown area and states that the review should emphasize preservation and enhancement of the existing historic theme and apply to new development and exterior remodeling.

Policy LU-5B

Policy LU-5B provides for protection of historic residential and commercial structures outside a designated historic district when reviewing projects adjacent to or on the same site.

Historic Overlay / Land Use Designation

The General Plan identifies a **Historic Overlay District** and a **Historic Business District** designation associated with the historic downtown area. The Historic Business District description specifically contemplates design review to protect and enhance historic qualities.

Accordingly, establishment of a local historic district and preservation review program would implement rather than fundamentally alter the historic-preservation objectives expressed in the General Plan.

Because the General Plan's stated planning horizon ended in 2025, however, staff should confirm that no subsequent planning document has superseded these policies.

XV. PUBLIC BENEFITS

The proposed program would provide the Town with a formal mechanism to:

- Identify important historic resources;
- Establish clear expectations for property owners;
- Preserve significant portions of Fort Jones's historic streetscape;
- Encourage rehabilitation and adaptive reuse;
- Integrate preservation into normal land-use review;
- Improve eligibility for certain preservation grants;
- Support heritage tourism;
- Maintain community identity; and
- Establish a foundation for a potential Certified Local Government program.

California's Office of Historic Preservation identifies federal preservation grants, technical assistance, survey and planning assistance, and increased integration of preservation into local planning as potential benefits of a well-structured local preservation program.

XVI. POTENTIAL IMPACTS ON PROPERTY OWNERS

Designation would create additional review requirements for certain exterior alterations, demolition, relocation, and new construction.

The program should therefore provide:

- Clear boundaries;
- Clear designation criteria;
- Clear contributing/non-contributing determinations;
- Published design guidelines;
- Administrative approval for routine maintenance;
- Predictable application requirements;
- Reasonable review timelines;
- An appeal process;
- Economic-hardship procedures; and
- Information concerning available incentives.

The goal should be to minimize unnecessary regulatory burden while providing meaningful protection for resources that the community has determined to be historically significant.

XVII. CERTIFIED LOCAL GOVERNMENT

The Town may consider pursuing **Certified Local Government (CLG)** status after establishing its preservation program.

California's CLG program requires, among other things:

- Appropriate local laws for designation and protection;
- An historic preservation review commission established by ordinance;
- A survey and inventory system;
- Public participation; and
- satisfactory performance of responsibilities delegated by the State.

CLG status is not required simply to establish a local historic district. However, it could provide access to technical assistance and competitive historic-preservation grant funding. California OHP states that at least 10 percent of California's annual federal Historic Preservation Fund allocation is awarded through its competitive CLG grant program.

Staff therefore recommends treating CLG certification as a **second-phase implementation objective**.

XVIII. RECOMMENDED IMPLEMENTATION PROGRAM

Staff recommends the following sequence:

Phase 1 — Establish the legal framework

1. Prepare a draft Historic Preservation Ordinance.
2. Define local designation criteria.
3. Establish the Historic Preservation Commission.

4. Establish designation and appeal procedures.
5. Establish Certificate of Appropriateness procedures.
6. Establish economic-hardship provisions.
7. Establish enforcement provisions.
8. Establish a local historic resources register.

Phase 2 — Document the district

1. Update the existing historic resources survey.
2. Prepare a historic context statement.
3. Identify contributing and non-contributing properties.
4. Prepare the district map.
5. Prepare a statement of significance and period of significance.
6. Prepare DPR 523 documentation where appropriate.
7. Prepare design guidelines.

Phase 3 — Adopt the district

1. Conduct property-owner and community outreach.
2. Conduct a Planning Commission public hearing.
3. Planning Commission makes a recommendation to the Town Council.
4. Town Council conducts the required public hearing.
5. Town Council adopts the ordinance and district map.
6. Establish the Historic Preservation Commission.

Phase 4 — Implement

1. Appoint commissioners.
2. Conduct commissioner training.
3. Adopt administrative procedures.
4. Adopt design guidelines.
5. Establish application forms and fees.
6. Begin maintaining the local inventory.
7. Evaluate preservation incentives.
8. Evaluate CLG certification.

XIX. PLANNING COMMISSION FINDINGS

The Planning Commission may make the following findings, subject to confirmation by the Town Attorney and modification to conform to the final ordinance:

Finding 1 — Historic significance

The proposed historic district is supported by documented evidence that Fort Jones contains a concentration of historic residential and commercial resources, particularly in and near the downtown area.

Finding 2 — General Plan consistency

The proposed preservation program implements the General Plan's historic-preservation policies, including Goal LU-5 and Policies LU-5A and LU-5B, which call for protection of historic resources and establishment of design review in the historic downtown area.

Finding 3 — Appropriate local regulation

California law recognizes local governments' authority to establish local historic preservation ordinances and local registers of historical resources.

Finding 4 — Public process

The proposed ordinance provides for public participation, property-owner notice, designation procedures, hearings, appeals, and other procedural protections appropriate to a local historic preservation program.

Finding 5 — Reasonable administration

The proposed Historic Preservation Commission and tiered review system provide a mechanism for protecting significant resources while allowing routine maintenance and minor work to proceed through simplified procedures.

Finding 6 — Historic preservation and future development

The proposal does not require that the district remain frozen in its historic condition. Rather, it establishes standards intended to allow rehabilitation, adaptive reuse, compatible additions, and compatible new construction while protecting documented character-defining features.

XX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. **Conduct a public hearing** on the proposed Fort Jones Historic District and Historic Preservation Commission;
2. **Receive and consider public testimony** concerning the proposed district boundaries, designation criteria, review procedures, Commission structure, and preservation incentives;
3. **Recommend that the Town Council direct preparation of a final Historic Preservation Ordinance** establishing:
 - a local historic register;
 - procedures for historic district and landmark designation;
 - the Fort Jones Historic Preservation Commission;
 - Certificate of Appropriateness procedures;
 - demolition and relocation review;
 - economic-hardship procedures;
 - appeals;
 - enforcement; and
 - preservation incentives;
4. **Recommend preparation or updating of a historic resources survey and historic context statement** before final district boundaries and contributing-resource determinations are adopted;
5. **Recommend preparation of Historic District Design Guidelines** based substantially on the Secretary of the Interior's Standards;
6. **Recommend that the Town Council establish a five-member Historic Preservation Commission**, with membership reflecting local knowledge and, where available, expertise in history, architecture, planning, construction, archaeology, or historic preservation;
7. **Recommend that the Town Attorney and environmental consultant confirm the appropriate CEQA determination** for the ordinance and district designation before Town Council adoption;
8. **Recommend that staff evaluate potential preservation incentives**, including a future Mills Act program, independently from the district's initial establishment; and
9. **Recommend that the Town evaluate Certified Local Government status as a subsequent implementation phase** following adoption of the ordinance and establishment of the preservation program.

XXI. SUGGESTED PLANNING COMMISSION MOTION

Motion:

"I move that the Planning Commission conduct the public hearing, receive public testimony and written materials, and recommend that the Town Council proceed with preparation and consideration of an ordinance establishing a Fort Jones Historic District and Historic Preservation Commission, subject to preparation of a current historic resources survey, historic context statement, district boundary map, contributing and non-contributing resource inventory, preservation design guidelines, and confirmation of the applicable California Environmental Quality Act determination and consistency with the Town's current General Plan and zoning regulations."



TOWN OF FORT JONES

PLANNING COMMISSION STAFF REPORT

Meeting Date: October 5, 2026

Agenda Item: B

Applicant/Property Owner: Kevin Hullquist

Property: 22 Douglas Street

Project: Existing Private Sewer and Storm Drainage Facilities

Location: Fort Jones, Siskiyou County, California

Staff: Town Administrator

I. RECOMMENDATION

Staff recommends that the Planning Commission receive and consider information concerning existing private utility and drainage facilities located within the Town of Fort Jones public right-of-way and provide direction regarding their future status.

Specifically, the facilities consist of:

1. A privately owned sanitary sewer force main serving a single commercial business; and
2. A stormwater drainage system consisting of an inlet and underground drainage pipe that conveys stormwater to a creek.

The facilities were installed as part of private development. Staff has been informed that the developer installed the facilities in their existing configuration after receiving advice or direction from the California Department of Transportation (Caltrans).

Staff recommends that the Commission direct staff to:

- Document the historical circumstances of the installation;
- Confirm the precise location and extent of the Town right-of-way affected;
- Determine whether any prior Town authorization exists;
- Obtain available Caltrans documentation concerning the installation;
- Establish ownership and maintenance responsibility;
- Obtain appropriate engineering information concerning the existing facilities;

- Determine whether the stormwater outfall is subject to additional regulatory requirements;
- Evaluate whether the facilities can appropriately remain in the Town right-of-way;
- Evaluate the possibility of formally authorizing continued private occupancy; and
- Evaluate whether some or all of the facilities could appropriately be acquired by the Town for municipal or park-related purposes.

No determination that the facilities are unauthorized should be made solely because a current encroachment permit has not yet been located. The historical circumstances and applicable rights should first be established.

II. FACILITY DESCRIPTION

The existing development infrastructure includes two distinct systems.

A. Private Sanitary Sewer Force Main

A sanitary sewer force main was installed by the developer in connection with development of the subject commercial property.

The force main:

- Serves a single private business;
- Is privately owned, based upon current information;
- Is not understood to be part of the Town's public sewer collection system;
- Is already constructed and operational; and
- Is located, at least in part, within the Town of Fort Jones public right-of-way.

The facility was reportedly installed in its present location after the developer received advice or direction from Caltrans concerning the appropriate location for the sewer infrastructure.

B. Stormwater Drainage System

The development also includes a stormwater drainage system consisting of:

- A stormwater inlet;
- An underground drainage pipe; and
- An outfall discharging to a creek.

The drainage facilities are understood to have been constructed as part of the same development and may occupy or cross the Town right-of-way.

The stormwater system should be evaluated independently from the sanitary sewer because it has a different function and may create separate public-right-of-way, drainage, erosion, and water-quality issues.

III. PURPOSE OF COMMISSION REVIEW

The facilities are already installed. Therefore, this is not a conventional application for approval of proposed construction.

The principal questions are:

1. What was authorized when the facilities were originally installed?
2. What is the legal status of the facilities today?
3. Who owns and maintains them?
4. Does their continued location within Town right-of-way protect or interfere with public interests?
5. Are the facilities technically adequate?
6. Does the stormwater discharge comply with applicable requirements?
7. Should the Town formalize continued private occupancy?
8. Should the facilities, or portions of them, instead be acquired for municipal use?

IV. BACKGROUND AND HISTORICAL CIRCUMSTANCES

The developer reportedly installed the sewer force main and stormwater facilities after receiving advice or direction from Caltrans concerning the location of the infrastructure.

This history is significant.

Caltrans may have been involved because of the relationship of the development to a State highway or because of restrictions concerning facilities within State highway right-of-way.

However, Caltrans' authority over State highway property does not necessarily establish authority to grant a private party an interest in the separate public right-of-way owned or controlled by the Town of Fort Jones.

The Town should therefore determine precisely what Caltrans advised and what governmental authorization, if any, was actually issued.

The property owner/developer should be requested to provide any available:

- Caltrans correspondence;
- Encroachment documents;
- Development plans;
- Sewer plans;
- Drainage plans;
- Plan-review comments;
- Construction inspection records;
- Permits;
- Emails;
- Meeting notes;
- As-built drawings;
- Photographs; and
- Other documentation concerning the original installation.

If Caltrans records are not available from the applicant, the Town may wish to request confirmation directly from Caltrans.

V. TOWN RIGHT-OF-WAY

The facilities are reported to be within the Town of Fort Jones right-of-way.

The Town has an interest in preserving its right-of-way for:

- Streets and transportation;
- Pedestrian facilities;
- Drainage;
- Public utilities;
- Emergency access;
- Maintenance;
- Future improvements; and

- Other authorized public purposes.

The Town's Public Works Department reported in June 2024 that it wished to establish a policy requiring encroachment permits for work performed within Town right-of-way. The stated purpose included limiting Town liability associated with excavations in Town roads and along Highway 3. The report also identified concerns regarding incomplete mapping of existing laterals and abandoned laterals.

This history provides useful context for the present matter.

The existing facilities may predate the Town's contemplated formal encroachment-permit process. Accordingly, the Town should distinguish between:

- An existing facility installed during an earlier development process;
- A facility installed without any governmental knowledge or approval;
- A facility for which authorization once existed but cannot presently be located; and
- A facility for which no authorization was ever granted.

Those circumstances may warrant different remedies.

VI. TOWN PLANNING AND INFRASTRUCTURE CONTEXT

The Town's planning documents recognize sanitary sewer and storm drainage as components of development infrastructure.

The Town's adopted planning materials identify minimum sanitary sewer standards and storm-drain infrastructure as part of subdivision and development considerations.

The Town also operates a public wastewater system. The Town's Water and Sewer Commission materials describe the Fort Jones Water and Wastewater Department and its sewer service system.

Accordingly, the Commission should distinguish between:

- Private infrastructure serving one property;
- Infrastructure that could become part of the Town's public sewer system; and

- Private storm drainage infrastructure that might potentially serve a broader municipal drainage or park purpose.

VII. PRIVATE SEWER FORCE MAIN

A. Ownership

The force main is understood to be privately owned and to serve only the subject commercial property.

Unless the Town has previously accepted the facility, its presence within Town right-of-way should not be interpreted as making it a Town-owned sewer.

B. Maintenance

If the facility remains private, the property owner should be responsible for:

- Operation;
- Routine inspection;
- Maintenance;
- Emergency repairs;
- Replacement;
- Pumping equipment, if applicable;
- Failure response;
- Cleanup following a failure; and
- Restoration of Town property damaged by maintenance or repair.

C. Sanitary Sewer Failure

A force main carries wastewater under pressure. A failure could result in sanitary sewage being discharged within the public right-of-way or elsewhere.

The Town should therefore require an emergency contact and response procedure if the facility remains private.

D. Future Relocation

Any authorization allowing the force main to remain should address future Town projects.

The Town should preserve its ability, subject to applicable legal rights and agreements, to require the facility to be protected, modified, relocated, or removed when reasonably necessary for an authorized public improvement.

E. Abandonment

If the business ceases operation or obtains another sewer connection, the owner should not simply abandon the force main in the right-of-way.

The Town should establish an abandonment procedure addressing removal, capping, documentation, and restoration.

VIII. STORMWATER DRAINAGE SYSTEM

The stormwater system presents a separate set of considerations.

A. Inlet and Conveyance Pipe

The Town should establish:

- Ownership;
- Exact location;
- Pipe size;
- Pipe material;
- Pipe depth;
- Drainage area served;
- Design capacity;
- Maintenance responsibility; and
- Condition of the facility.

B. Creek Outfall

The underground pipe terminates at a creek.

The Town should document:

- Exact location of the outfall;
- Receiving water;

- Outfall elevation;
- Pipe diameter;
- Outfall condition;
- Bank condition;
- Erosion protection;
- Drainage area;
- Design storm assumptions, if available; and
- Any historical approval of the discharge.

C. Water-Quality Considerations

The fact that a drainage pipe has historically discharged to a creek does not, by itself, establish that every potentially applicable regulatory authorization has been satisfied.

The Town should determine whether the existing discharge is subject to requirements of the State Water Resources Control Board, Regional Water Quality Control Board, or another agency.

The Town's Municipal Code also contains provisions concerning inspection of stormwater management and discharges and identifies unlawful obstruction of public parks, streets, alleys, highways, and other public easements as a nuisance.

The existing drainage system should therefore be reviewed for both right-of-way and water-quality considerations.

D. Erosion

Concentrated stormwater discharge at a creek can cause localized bank or channel erosion.

Before accepting or formally authorizing the drainage system, the Town should determine whether the existing outfall is adequately protected and whether maintenance or corrective work is necessary.

IX. CALTRANS INVOLVEMENT

The reported Caltrans involvement should be documented before the Town reaches a final conclusion regarding the historical installation.

The critical factual distinction is whether Caltrans:

1. Required the developer to use the existing location;
2. Recommended the location;
3. Approved a particular engineering design;
4. Determined that another location could not be used because of State highway requirements; or
5. Merely provided general design guidance.

These circumstances have different implications.

Caltrans' current materials recognize utility facilities and other encroachments within State highway right-of-way as subject to an encroachment-permit process. The current Caltrans framework therefore supports treating State and Town right-of-way authorization as separate questions.

The Town should not assume that Caltrans had authority to authorize permanent occupation of Town property.

X. ENGINEERING REVIEW

Before making a final determination concerning continued occupancy or municipal acquisition, staff recommends obtaining an engineering assessment.

The assessment should address, as applicable:

Sewer

- Pipe size;
- Pipe material;
- Pressure rating;
- Alignment;
- Depth;
- Condition;
- Pressure testing;
- CCTV inspection where appropriate;
- Valves;
- Cleanouts;
- Pumping facilities;

- Connection points;
- Separation from other utilities;
- Remaining useful life; and
- Emergency access.

Stormwater

- Inlet condition;
- Pipe size and material;
- Drainage area;
- Hydraulic capacity;
- Pipe condition;
- Outfall condition;
- Erosion;
- Creek-bank stability;
- Maintenance access;
- Flooding potential; and
- Compatibility with future park improvements.

XI. MUNICIPAL ACQUISITION OPTION

Option 1 — Continue Private Ownership

The Town could allow the facilities to remain privately owned and establish an appropriate encroachment agreement or other authorization.

This option leaves operation and maintenance responsibility with the private property owner.

Option 2 — Formalize Existing Private Encroachment

The Town could recognize the existing facilities as private infrastructure and formalize their continued occupancy of Town right-of-way through an appropriate permit, license, easement, encroachment agreement, or other instrument.

The agreement should establish:

- Ownership;
- Maintenance;

- Liability;
- Access;
- Emergency response;
- Relocation;
- Abandonment;
- Restoration; and
- Future public improvements.

Option 3 — Relocate or Remove the Facilities

If the facilities create unacceptable conflicts with the Town right-of-way, the Town could require relocation or removal, subject to Town Counsel review and consideration of the circumstances under which the facilities were originally installed.

Option 4 — Municipal Acquisition for Park/Public Use

The Town may also consider acquiring some or all of the facilities for municipal use, particularly if the facilities can provide a useful function associated with existing or future park property.

This option could potentially provide a means of resolving the private encroachment issue while incorporating useful infrastructure into a planned public system.

A. Potential Park Uses

Potential uses could include:

- Stormwater drainage serving Town park property;
- Drainage improvements associated with future park development;
- A public restroom sewer connection;
- A maintenance facility sewer connection;
- A concession or other public facility;
- Future park irrigation or drainage infrastructure, where appropriate; or
- Incorporation into a larger municipal drainage system.

B. Sewer Acquisition

The sewer force main requires particular scrutiny because it currently serves only one private business.

The Town should determine whether there is a demonstrated municipal need before accepting the force main.

Potential future municipal uses might include a public restroom, maintenance facility, or other park-related use, but the Town should not assume that such future use justifies acquisition without engineering and fiscal analysis.

C. Stormwater Acquisition

The stormwater system may have a more immediate potential public purpose if it can be incorporated into the Town's planned park or drainage system.

The Town should determine whether the inlet, pipe, and creek outfall can safely and economically become part of municipal infrastructure.

D. Partial Acquisition

The Town should not be required to acquire the entire system as one package.

Potential approaches include:

- Acquiring only the stormwater system;
- Acquiring only the portion of the sewer system necessary for future municipal use;
- Acquiring selected segments;
- Leaving the private business connection privately owned; or
- Acquiring the facilities subject to modifications.

E. Conditions for Acquisition

Before accepting the facilities, the Town should obtain:

- A survey;
- As-built drawings;
- Engineering condition assessment;
- CCTV inspection where applicable;
- Pressure testing of the force main;
- Drainage capacity analysis;
- Outfall inspection;
- Identification of regulatory requirements;
- Identification of required easements;

- Maintenance-cost estimate;
- Remaining-useful-life estimate; and
- Capital replacement estimate.

The Town should also determine who will correct existing deficiencies before the transfer.

F. Acquisition Agreement

Any municipal acquisition should be documented through an appropriate agreement establishing:

- Facilities being transferred;
- Effective date;
- Consideration;
- Condition of facilities;
- Responsibility for deficiencies;
- Easements;
- Access;
- Insurance;
- Indemnification;
- Regulatory responsibilities;
- Maintenance;
- Replacement;
- Ownership of associated equipment; and
- Any continuing rights retained by the private property owner.

Acceptance should be accomplished through the appropriate Town Council action and legal instrument, rather than solely through Planning Commission approval.

XII. FINANCIAL CONSIDERATIONS

If the Town considers municipal acquisition, staff should prepare a fiscal analysis addressing:

- Acquisition cost;
- Engineering costs;
- Initial rehabilitation;
- Required code or regulatory upgrades;

- Annual maintenance;
- Emergency repair costs;
- Long-term replacement costs;
- Insurance;
- Inspection;
- Administrative costs; and
- Potential capital improvements necessary for park use.

The Town should compare the long-term cost of municipal ownership with the cost of maintaining a private encroachment agreement.

XIII. OPTIONS FOR COMMISSION ACTION

The Planning Commission could:

Option A — Continue the Matter

Direct staff to obtain additional historical, engineering, property, and regulatory information.

Option B — Recommend Formalization of Private Ownership

Recommend that the Town authorize continued private occupancy subject to an encroachment agreement establishing ownership, maintenance, liability, relocation, and abandonment responsibilities.

Option C — Recommend Relocation

Recommend relocation or removal if the existing facilities cannot reasonably coexist with the Town's present or anticipated public use of the right-of-way.

Option D — Recommend Municipal Acquisition

Recommend that the Town Council investigate acquisition of some or all of the facilities for municipal use, including potential park-related use.

Option E — Recommend Separate Treatment

Recommend that the sewer and stormwater facilities be evaluated separately, including potential acquisition of the stormwater system for municipal/park purposes while leaving the private sewer force main under private ownership.

XIV. RECOMMENDED CONDITIONS IF PRIVATE FACILITIES REMAIN

If the Town allows the facilities to remain privately owned, staff recommends the following conditions:

1. The sewer force main and stormwater system shall remain privately owned unless separately accepted by the Town.
2. The property owner shall be responsible for operation, inspection, maintenance, repair, replacement, and emergency response.
3. Accurate as-built plans shall be provided to the Town.
4. A survey shall establish the location of the facilities relative to the Town right-of-way.
5. The owner shall obtain and maintain whatever encroachment authorization is determined appropriate by the Town.
6. The owner shall provide emergency contact information for the sewer force main and storm drainage system.
7. The owner shall be responsible for restoring Town property disturbed by private maintenance or repair.
8. The owner shall be responsible for addressing failures of the private facilities.
9. The owner shall comply with applicable stormwater and water-quality requirements.
10. The owner shall not discharge sanitary sewage through the stormwater system.
11. The owner shall maintain the stormwater outfall and address erosion attributable to the private discharge.
12. The owner shall comply with reasonable requirements concerning relocation or protection of the facilities for authorized Town improvements, subject to applicable legal rights and agreements.
13. Abandonment shall require Town review and approval.
14. The authorization shall not constitute acceptance of either facility into the Town's public sewer or stormwater system.
15. Any permanent easement, license, maintenance agreement, or other property instrument shall be reviewed by Town Counsel and recorded where appropriate.

XV. RECOMMENDED CONDITIONS IF MUNICIPAL ACQUISITION IS PURSUED

If the Town elects to investigate municipal acquisition, staff recommends that acquisition be conditioned upon:

1. Completion of a survey;
2. Engineering inspection;
3. Verification of ownership;
4. Verification of right-of-way location;
5. Identification of all easements;
6. Identification of all regulatory requirements;
7. Determination of the facilities' useful life;
8. Identification and correction of material deficiencies;
9. Preparation of a fiscal analysis;
10. Determination of the facilities' suitability for park or municipal use;
11. Approval of appropriate acquisition documents by Town Counsel;
12. Appropriate Town Council authorization; and
13. Documentation of the transfer of ownership.

XVI. FINDINGS FOR CONSIDERATION

The Commission may consider the following findings, as applicable:

Finding 1 — Existing Facility

The facilities are existing improvements associated with previously developed private property and are not proposed new construction.

Finding 2 — Public Right-of-Way

The facilities occupy or traverse Town right-of-way and therefore require evaluation of the Town's public-interest responsibilities concerning use, maintenance, and future improvement of that right-of-way.

Finding 3 — Historical Circumstances

The reported involvement of Caltrans in determining or recommending the location of the facilities warrants investigation before the Town determines that the facilities were installed without governmental authorization.

Finding 4 — Private Ownership

The sanitary sewer force main presently serves a single private business and should not be treated as Town infrastructure unless separately accepted by the Town.

Finding 5 — Stormwater

The stormwater system has a separate function and discharges through a pipe to a creek. Its engineering condition, ownership, maintenance responsibility, and regulatory status should be independently evaluated.

Finding 6 — Public Interest

Any continued occupancy of Town right-of-way should protect the Town's ability to maintain, repair, improve, and reconstruct public infrastructure.

Finding 7 — Municipal Acquisition

Municipal acquisition may provide a potential public benefit if the facilities can reasonably support future park, drainage, sewer, or other municipal purposes and if the Town determines that acquisition is fiscally and technically appropriate.

Finding 8 — No Automatic Public Acceptance

Planning Commission review of the existing facilities should not, by itself, constitute acceptance of the facilities into the Town's public sewer or stormwater systems or create an unintended municipal maintenance obligation.

XVII. CONCLUSION

The existing infrastructure presents a combined **right-of-way, private utility, drainage, environmental, and potential municipal infrastructure issue.**

The sanitary sewer force main serves a single private business and should remain clearly identified as private infrastructure unless the Town separately determines that municipal ownership serves a demonstrated public purpose.

The stormwater system presents a different potential public benefit because its drainage function could potentially be incorporated into future municipal or park improvements. The creek outfall, however, requires separate engineering and regulatory review before the Town assumes responsibility for the system.

The reported history that the developer installed the facilities following advice or direction from Caltrans is a material fact. That history should be documented before the Town characterizes the existing facilities as unauthorized.

At the same time, Caltrans' involvement does not necessarily establish a permanent right to occupy Town of Fort Jones property. The Town must independently determine the legal status of its right-of-way and the appropriate authorization for continued occupancy.

The Commission therefore has several reasonable paths available:

- Formalize the existing private facilities;
- Require relocation or removal;
- Continue investigation before making a final determination; or
- Investigate acquisition of some or all of the facilities for municipal purposes, particularly potential park and public drainage uses.

Staff recommends further documentation and engineering review before a final determination is made. If municipal acquisition is considered, the stormwater system and sanitary sewer force main should be evaluated separately, with particular attention to whether the stormwater infrastructure can provide a practical public benefit for existing or future park facilities.

The ultimate objective should be to establish a clear, durable arrangement that protects the Town's right-of-way, avoids unintended municipal liability, identifies responsibility for maintenance and failures, addresses the creek outfall, and preserves flexibility for future public improvements.

Town Council

Madeleine DeAndreis, Mayor
Michelle DeCausmaker, Pro Tem
Mercedes Garcia
Alex Lariviere
Paula Johnson



Town Administrator
George Brenard

Town Clerk
Corinne Guidi

Stormwater Quality Management and Discharge Control Ordinance

Background

The Town of Fort Jones has prepared a proposed **Stormwater Quality Management and Discharge Control Ordinance** to establish a comprehensive local framework for protecting water quality, reducing pollutant discharges, and regulating stormwater runoff within the Town. The ordinance is intended to implement and maintain consistency with the requirements of the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and applicable Regional Water Quality Control Board requirements. The ordinance provides the Town with the legal authority necessary to prevent illicit discharges, requires best management practices, regulate stormwater impacts associated with development, and enforce water quality protections.

The proposed ordinance establishes standards for stormwater management, runoff control, illicit discharge prevention, construction activities, development projects, inspection authority, enforcement procedures, and the implementation of best management practices to protect local waterways and receive waters. The ordinance also authorizes the Town to require stormwater management measures for new development and redevelopment projects and to address activities that may contribute to water quality degradation.

While adoption of the ordinance provides an important regulatory foundation, successful implementation will require the Town to better understand its existing stormwater infrastructure, drainage patterns, flood-prone locations, water quality concerns, and future capital improvement needs. Development of stormwater master plans, drainage studies, asset inventories, and infrastructure improvement projects will position the Town to proactively address stormwater management challenges while improving eligibility and competitiveness for state and federal funding opportunities.

Numerous grant programs administered through state and federal agencies periodically provide funding for stormwater planning, watershed protection, climate resilience, water quality improvements, flood mitigation, and stormwater infrastructure projects. Adoption of the ordinance and development of supporting plans and studies will strengthen the Town's ability to pursue these funding opportunities and implement projects that protect public health, improve water quality, enhance environmental resources, and reduce long-term maintenance and regulatory risks.

Accordingly, staff recommends that the Planning Commission review the proposed ordinance and recommend that the Town Council adopt the Stormwater Quality Management and Discharge Control Ordinance. Staff further recommends that the Planning Commission encourage the Town Council to direct staff to actively pursue grant funding opportunities for stormwater master planning efforts, drainage and watershed studies, infrastructure assessments, and future stormwater capital improvement projects necessary to implement the goals of the ordinance and protect the Town's water resources.

Recommended Action

Motion: Recommend that the Town Council adopt the Stormwater Quality Management and Discharge Control Ordinance to Town Council and direct staff to pursue and apply for applicable grant funding opportunities for stormwater planning, studies, watershed assessments, drainage improvements, and stormwater infrastructure projects.

Chapter 13.24 STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL ORDINANCE

13.24.010 Short title.

This chapter shall be known as the "Town of Fort Jones Stormwater Quality Management and Discharge Control Ordinance."

13.24.020 Purpose and intent.

The purpose and intent of this chapter is to protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.), so that, to the maximum extent practicable, any discharges shall not cause or contribute to any exceedances of water quality standards contained in the statewide Water Quality Control Plan, the California Toxics Rule, or in the North Coast Region Regional Water Board Basin Plan amended and supplanted, and by prohibiting non-stormwater discharges to the storm drain system, excepting non-significant non-stormwater contributors.

This chapter is also intended to provide the Town with the legal authority necessary to control discharges to and from those portions of the municipal stormwater system over which it has jurisdiction, and to hold dischargers to the storm drain system accountable for their contributions of pollutants and flows.

13.24.030 Findings.

The Town Council of the Town of Fort Jones, California makes the following findings:

- A. The Federal Clean Water Act (33 U.S.C. 1251, et seq.) provides for the regulation and reduction of pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (hereinafter "NPDES") requirements to stormwater and urban runoff discharge into municipal storm drain systems.
- B. The Town of Fort Jones is authorized by Article XI, Sections 5 and 7 of the State Constitution and the California Water Code to exercise the police power of the state by adopting regulations to promote public health, public safety and general prosperity by:
 - 1. Minimizing non-stormwater discharges, whose pollutants would otherwise degrade the water quality of local streams, to the stormwater system.
 - 2. Minimizing increases in nonpoint source pollution caused by stormwater runoff from development that would otherwise degrade local water quality.
 - 3. Controlling the discharge to the Town's stormwater system from spills, dumping or disposal of materials other than stormwater.
 - 4. Reducing stormwater run-off rates and volumes and nonpoint source pollution whenever possible, through stormwater management controls and ensuring that these management controls are properly maintained and pose no threat to public safety.
- C.

13.24.040 Definitions.

The terms used in this chapter shall have the following meanings:

"Area of special biological significance" or (ASBS) means any areas designated by the state water board as areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. All areas of special biological significance are also classified as a subset of state water quality protection areas.

"Basin plan" means the applicable sections of the Water Quality Control Plan for the North Coast Region, and its subsequent amendments.

"Best management practices" or (BMPs) means activities, prohibitions, practices, or maintenance procedures that prevent or reduce the discharge of pollutants or discharges directly or indirectly to the storm drain system and waters of the state and/or United States consistent with the California Stormwater Quality Association (CASQA) Best Management Practice Handbooks or equivalent.

Best management practices include but are not limited to: Treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, and procedures and such other provisions as the city determines appropriate for the elimination of pollutants into the Fort Jones watershed.

"CASQA" means the California Stormwater Quality Association.

"Town means the Town of Fort Jones, in the county of Siskiyou, California

"Clean Water Act" or (CWA) means the federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC § 1251 et seq., and any subsequent amendments thereto.

"Construction activity" means activities subject to NPDES Construction General Permits. These include construction activity as defined in 40 CFR § 122.26(b)(14)(x) and small construction activity as defined in 40 CFR § 122.26(b)(15). This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more.

"Control" means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities.

"Costs of enforcement" or "enforcement costs" means the total cost incurred by the Town in connection with a public nuisance including, but not limited to:

- A. Any cost incurred in removing or remedying a public nuisance;
- B. All costs incurred by the Town or imposed by any state, federal or local administrative agency upon the Town proximately caused by, or contributed to, as result of any discharge made by a person, including but not limited to the Town's costs incurred in responding to the administrative agency, staff and attorney's fees together with all fines imposed upon the Town, penalties imposed upon the Town, remediation and/or corrective action costs, and other expenses incurred by the Town to comply with that administrative agencies orders;
- C. The actual expenses and costs of the Town in preparation of notice and order, reconsideration, appeal and termination fees for administrative services rendered by the Town in connection with the inspection, notification, prosecution and abatement procedures authorized by this code:

-
1. Notice and order, appeal and termination fees in such amounts as are determined from time to time by resolution of the Town council;
 2. Notice and order, appeal and termination fees based on services rendered by the city from the time of the initial complaint intake for the purpose of documenting a violation of this code until the violation is corrected;
 3. The actual costs of conducting any hearing, including hearing officer and court reporter fees.
 4. The notice and order, appeal and termination fees are not intended to be a penalty imposed for violation of this code or other laws;
 5. Specifications and contracts;
 6. Any attorney's fees expended by the prevailing party related to the abatement of the nuisance, through inspection warrant, administrative hearing, civil action or otherwise whenever the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees;
 7. The fees of any professional rendering services relating to the inspection, notification, prosecution and abatement procedures authorized by this chapter.
 8. The cost of printings and mailings required under this code;
 9. All costs or expenses to which the city may be entitled pursuant to Health and Safety Code Section 510 and other statutory entitlement;
 10. All costs and expenses for which the city may be liable under state or federal law, regulations, or order arising from or related to the nuisance.
- D. Any cost incurred by the city in collecting the costs enumerated in subsections A, B and C of this definition.

"Development" means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development), industrial project, commercial project, retail project, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Director" means the Town of Fort Jones public works director or designee.

"Discharge" means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

"Discharge of pollutants" means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source" or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone." The term discharge includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

"Discharger" means the person, corporation, partnership or other entity directly causing or allowing the discharge.

"Environmentally sensitive area" or (ESA) means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code Section 30107.5).

Areas subject to stormwater mitigation requirements are areas designated as significant ecological areas by the county of Siskiyou (Siskiyou County Significant Areas Study, Siskiyou County Department of Regional Planning (1976) and amendments); an area designated as a significant natural area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the basin plan as supporting the rare, threatened, or endangered species (RARE) beneficial use; and an area identified by the city as environmentally sensitive.

"Hazardous materials" or "hazardous substances" means without limitation, any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or the environment. It includes any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code. Hazardous substances also include, but are not limited to, those substances included within the definitions of "hazardous substance," "hazardous waste," "hazardous material," "toxic substance," "solid waste," or "pollutant or contaminant" in any local, state or federal law or regulation.

"Illicit connection" means any human-made conveyance that is connected to the storm drain system without a permit, including roof-drains and other connections intended to remove stormwater from residential properties. Illicit connections include either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water enter the storm drain system, and any connections to the storm drain facilities, whether from pipes, drains, open channels, or other conveyances, and/or from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain facilities which have not been documented in plans, maps, or equivalent records and approved by the Town. "Illicit discharge" means any discharge that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations and is:

into a receiving water;

- c. Through a natural drainage channel into the Towns stormwater system or into a receiving water; or
- d. Directly into a receiving water. The term illicit discharge includes any non-stormwater discharge, except authorized non-stormwater discharges; conditionally exempt non-stormwater discharges; and non-stormwater discharges resulting from natural flows

"Industrial activity" means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

"Incidental runoff" means the unintended amounts of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

"Infiltration" means the downward entry of water into the surface of the soil.

"Inspection" means entry and the conduct of an on-site review of a facility and its operations, at reasonable times, at reasonable times, any facilities, equipment, practices, or operations for active or potential stormwater discharges, or non-compliance with local ordinances/standards or requirements in this order, as consistent with any applicable state and federal laws to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:

1. Pre-inspection documentation research;

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2. Request for entry;
 3. Interview of facility personnel;
 4. Facility walk-through;
 5. Visual observation of the condition of facility premises;
 6. Visual and mechanical observation of illicit discharges and illicit connections.
 7. Examination and copying of records as required;
 8. Sample collection (if necessary or required);
 9. Exit conference (to discuss preliminary evaluation); and
 10. Report preparation, and if appropriate, recommendations for coming into compliance.

"National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" means a permit issued pursuant to section 402 of the Clean Water Act, 33 USC. 1342, and administered by the State of California under the authority of the U.S. Environmental Protection Agency, permitting the discharge of pollutants into navigable waters of the United States.

Municipal separate storm drain system The municipal separate storm drain system is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned or operated by a state, city, county, district, association, or other public body (created by or pursuant to California state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR Section 122.2. (40 CFR Section 122.26(b)(8)).

"Material" means any substance including, but not limited to: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing chemicals.

"Maximum extent practicable" or (MEP) means the standard for implementation of stormwater management programs to reduce pollutants in stormwater, including management practices, control techniques and system, design and engineering methods.

"Natural drainage course" means any creek, ravine, gully, channel, swale or depression or any unofficial ditch, or over which surface water periodically flows in its natural course.

"Non-stormwater discharge" means any discharge: (1) into the storm drain system; (2) into a natural drainage course; (3) directly to a receiving water; (4) from the storm drain system into a receiving water; or (5) into the ASBS and/or ESA, that is not composed entirely of stormwater or is authorized by a separate NPDES permit or exemptions.

"NPDES permit" means any waste discharge requirements issued by the regional board or the state water resources control board as an NPDES permit pursuant to Water Code Section 13370

"Pollutant" means those "pollutants" defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373. Examples of pollutants include, but are not limited to, the following:

1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and nonmetals such as phosphorus and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the state;
5. Human wastes such as septic effluent or gray water discharge;
6. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, and stables, and show facilities);
7. Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.
8. A pollutant shall also include any increment or increase in the total volume or rate of stormwater runoff resulting from any activity or development occurring after the effective date of this chapter in which a stormwater limit had been set as a condition of approval.

The term "pollutant" shall not include uncontaminated stormwater, potable water, reclaimed water, or generated by a lawfully permitted water treatment facility.

"Pollution" means the human-made or human-induced alteration of the quality of waters by pollutant(s) to a degree that unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities that serve these beneficial uses (California Water Code §13050).

"Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.).

"Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Project" means all development, redevelopment, and land disturbing activities. The term is not limited to "project" as defined under CEQA (Public Resources Code Section 21065).

"Receiving water" means "water of the United States" into which waste and/or pollutants are or may be discharged.

"Records" means writings as defined by California Evidence Code §250 deemed by the director to be expedient or necessary to assess compliance with federal state and local laws and regulations, including this chapter, the NPDES permit, and all permits issued to the party being inspected as well as designs and proposals for new development and redevelopment to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization (post-construction).

"Regional board" means the California Regional Water Quality Control Board-North Coast Region.

"Routine maintenance" includes, but is not limited to, projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.

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3. Work on road shoulders, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
 4. Update existing pipelines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
 5. Repair leaks.

Routine maintenance does not include construction of new pipelines or facilities resulting from compliance with applicable codes, standards and regulations. New pipelines are those that are not associated with existing facilities and are not part of a project to update or replace existing pipelines.

"Responsible person" means any person who owns, operates, leases, or has control over the day-to-day activities of a premises and any person who facilitates, causes, or permits any discharge. See also "discharger".

"Runoff" means any runoff including stormwater and dry weather flows that leaves the site from which it originates. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Storm drain system" means any facilities or any part of those facilities, comprised of stormwater control facilities and any other natural facilities which store control, treat and/or convey storm and surface water. Storm drain system shall include all natural and constructed elements used to convey stormwater from the first point of contact with the surface of the earth to a suitable receiving body of water or location, internal or external, to the boundaries of the Town.

Storm drain system means the infrastructure in a municipal separate storm drain system that collects and conveys stormwater runoff whether publicly or privately owned, and includes but is not limited to: pipes, appurtenant features, culverts, streets, curbs, gutters, pumping stations, channels, streams, ditches, wetlands, detention/retention basins, ponds, and other stormwater conveyance and treatment facilities whether public or private. including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the Town that are not a part of a publicly owned treatment works (POTW) as defined in Title 40, Section 122.2 of the Code of Federal Regulations.

"Storm event" means a rainfall event that produces more than one-tenth inch of precipitation in 24 hours unless specifically stated otherwise.

"Storm water" or "stormwater" means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces, surface runoff and drainage. Without any change in meaning, this term may be spelled or written as one word or two separate words.

"Stormwater Management Plan" or "SWMP" means a plan which shall be required in connection with any new development or redevelopment for the purposes of construction erosion and sediment control, runoff detention to control runoff rate to predevelopment levels, and runoff retention or other treatment measures to prevent dry-weather pollution from entering the storm drain system.

"Stormwater runoff" means that part of precipitation (rainfall or snowmelt), which travels via flow across a surface to the storm drain system or receiving waters from impervious, semi-pervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

"Treatment" means the application of engineered or designed systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

"Urban runoff" means surface water flow produced by nonstormwater resulting from residential, commercial, and industrial activities involving the use of potable or nonpotable water.

"Waters of the United States" means surface watercourses and water bodies as defined at 40 CFR § 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

13.24.050 Applicability.

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within, or entering the storm drain system of the Town of Fort Jones.

13.24.060 Responsibility for administration.

The Director of Public Works shall administer, implement and enforce the provisions of this chapter.

13.24.070 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

13.24.080 Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

13.24.090 Ultimate responsibility of discharger.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the state and/or waters of the United States caused by said person. This chapter shall not create liability on the part of the Town of Fort Jones, or any agent or employee thereof for any damages that result from any discharger's reliance on this chapter or any administrative decision lawfully made thereunder.

13.24.100 Watercourse protection.

Every person owning property through which a watercourse passes, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, vegetation, and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

13.24.110 Prohibition of illicit discharges.

- A. No person shall discharge or cause to be discharged into the storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

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- B. Non-Stormwater Discharges. Any non-stormwater discharge is prohibited unless in compliance with a separate NPDES permit or pursuant to a conditional discharge exemption by the regional board, the regional board's executive officer, or the state water resources control board, or special protections by the state water resources control board.

Non-stormwater discharges include, but are not limited to:

1. Wash waters when gas stations, auto repair garages, or other type of automotive service facilities are cleaned;
 2. Wash water from organized auto washing, professional cleaning services, steam or pressure cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
 3. Runoff from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;
 4. Runoff from storage areas of materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts), and uncovered receptacles containing hazardous materials or trash;
 5. Swimming pool, spa, decorative fountain, and decorative pond water and filter backwash, including water containing bacteria, detergents, wastes, algaecides or other chemicals. Swimming pool, spa, decorative fountain, and decorative pond water may be used as landscape irrigation only if the following items are met:
 - (A) The discharge water is dechlorinated, dibrominated or if the water is disinfected using ozonation;
 - (B) There are sufficient BMPs in place to prevent soil erosion; and
 - (C) The discharge does not reach into the storm drain system, natural drainage courses, or receiving water.
 6. Runoff from irrigation activities, including runoff caused by over-watering, misdirected sprinklers, broken irrigation fixtures, and watering impervious surfaces;
 7. Runoff from washing impervious surfaces in commercial and industrial areas, unless specifically required by state's, or the Town's or Siskiyou County's health and safety codes, or permitted under a separate NPDES permit;
 8. Runoff from the washing out of concrete trucks or other construction equipment;
 9. Any pesticide, fungicide, or herbicide, banned by the USEPA or the California Department of Pesticide Regulation;
 10. Disposal of hazardous wastes where such disposal causes or threatens to cause a direct or indirect non-stormwater discharge;
 11. Any food or food processing wastes;
 12. Any fuel and chemical wastes, animal wastes, garbage, batteries, and other materials that have potential adverse impacts on water quality;
 13. Wash water from cleaning any paved or unpaved areas including Dischargers such as organized car washes, mobile cleaning and pressure wash businesses; and
 14. Wash water from restaurants and other commercial facilities, including wash water from cleaning floor mats, filters, garbage cans, and outdoor areas.
- C. The following categories of non-stormwater discharges are conditionally exempt from the non-stormwater discharge prohibition in the municipal NPDES permit and shall not be considered a violation of this chapter; provided that they meet all required conditions and BMPs as specified, or as otherwise approved by the
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regional board when the discharger conducts the activity such that the least amount of non-stormwater as practicable enters the stormwater drain system:

1. Exterior washing of personal motorized vehicles by residents; provided however, that nothing herein is intended to exempt a discharger from liability for wasting water;
 2. Flushing of water lines and hydrants, or other discharges from potable water sources if the chlorine concentration is less than 1.0 milligrams per liter measured at the point of entry into the storm drain system;
 3. Flows from firefighting;
 4. Crawl space and basement sump pumps which are properly permitted;
 5. Condensation from air conditioning units;
 6. Gravity drainage from groundwater piping systems, including foundation and footing drains, and roof drainage downspouts;
 7. Discharges from naturally occurring rising groundwaters, floodwaters, springs and flows from riparian habitats and wetlands.
- D. Any discharges that would be prohibited under a Municipal NPDES permit are subject to enforcement, even if the town does not currently hold an NPDES permit, in order to prevent releases of pollutants in violation of applicable Clean Water Act requirements. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the Town from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge, including attorney's fees and costs of the proceedings.
- E. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the state of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the Town of Fort Jones for any discharge to the storm drain system.
- F. With written concurrence of the regional water quality control board, the Town may exempt in writing other non-stormwater discharges that are not a source of pollutants to the storm drain system nor waters of the United States.

13.24.120 Prohibited activities.

- A. **Prohibition of Illicit Connections.** It is prohibited to establish, use, maintain, or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges. For example, such illicit connections include but are not limited to those that could allow sewage, wastewater, and wash water to enter the storm drain system and connections from indoor drains and sinks, regardless of whether the connection had been previously allowed, permitted, or approved by the city. This prohibition against illicit connections is expressly retroactive and applies to connections made in the past but excludes improvements to real property permitted over which uncontaminated stormwater runoff flows.
- B. **Littering.** No person shall throw, deposit, leave, blow, keep or permit to be thrown, deposited, placed, blown, left or maintained, any refuse, rubbish, trash, garbage, material or other discarded or abandoned objects, articles, or other litter in or upon any street, alley, sidewalk, storm drain, business place, or upon any public or private property in the Town so that the same can become a pollutant by entering the storm drain system. No person shall throw or deposit litter or material in any fountain, pool, lake, stream, irrigation canal, river or any other body of water in a park or elsewhere within the Town.

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- C. Disposal of Landscape Debris. It is prohibited to intentionally dispose of leaves, dirt, or other landscape debris into the storm drain system, into a natural drainage course, or directly to a receiving water.
 - D. Industrial Activities. No person shall conduct any industrial activity in the Town without obtaining all permits required by state or federal law, including a general permit for stormwater associated with industrial activity when required.

13.24.130 Requirements for reducing pollutants in stormwater.

- A. Any person performing construction in the Town shall prevent pollutants from entering the storm drain system and comply with all applicable federal, state, and local laws, ordinances, rules or regulations, including but not limited to, the general permit for stormwater discharges associated with construction activity.
 - B. Each industrial activity discharger, construction activity discharger, or other discharger subject to any general or individual stormwater permit issued by the U.S. EPA, the state water resources board, the state water board, or the regional water board shall comply with the requirements of such permit.
 - C. Every person undertaking any activity or use that may cause or contribute to stormwater pollution or contamination, illicit discharges, or non-stormwater discharges shall comply with BMPs, pollution prevention techniques, and source control requirements, including related to the storage and parking of vehicles, as may be reasonably established by the Director.
 - D. The Director may implement, at its discretion, controls as appropriate to minimize the long-term, post-construction discharge of stormwater pollutants from new development(s), or modification(s) to existing development(s). Controls may include source control measures to prevent pollutants from entering stormwater and/or structural and nonstructural treatment controls designed to remove pollutants from stormwater. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
 - E. To minimize the discharge and transport of pollutants, the Director may require, at its discretion, any development project to control the volume, rate, and quality of stormwater runoff from the project site to prevent any deterioration of receiving water quality, which would impair the designated and existing beneficial uses. The Director may establish standards and guidelines implementing BMPs designed to control the rate and volume of stormwater runoff from development sites to minimize the discharge and transport of pollutants, including compliance with, at a minimum, the BMPs contained in the California Stormwater Quality Association BMP construction handbooks or equivalent.
 - F. Proof of compliance with any NPDES permit issued may be required in a form acceptable to the Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.
 - G. Outdoor storage. In outdoor areas, no person shall openly or improperly store grease, oil, petroleum products, hazardous substances, motor vehicles, machine parts, or other objects in a manner that may leak grease, oil, pollutants or other hazardous substances, without an approved spill containment system or approved sand-oil separator. To prevent the discharge of grease, oil, petroleum, or other hazardous substances from the site, the Town may require the installation of a spill containment system of dikes, walls, barriers, berms, or other devices as required. No person shall operate a spill containment system that allows incompatible liquids to mix and thereby create a hazardous condition.
 - H. Stormwater pollution prevention plan (SWPPP).
 - 1. The Director may require, at its discretion, any business in the city engaged in activities that may result in pollutant discharges to develop and implement a SWPPP, which must include an employee-training program.
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2. Business activities that may require a SWPPP include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, organized car washes, mobile pressure washing or other businesses where cleanup procedures are carried out partially or wholly outdoors.
 - I. Coordination with hazardous materials release response plans and inventory. Any business requiring a hazardous materials release response and inventory plan, under Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health & Safety Code, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting unauthorized non-stormwater discharges and illicit discharges, and requiring the release of pollutants to be reduced to meet applicable water quality standards and the best available technology economically achievable.
 - J. Coordination with hazardous waste generator contingency plan and emergency procedures. Any business requiring a hazardous waste generator contingency plan and/or emergency procedures, pursuant to California Code of Regulations, Title 22, Sections 66265.51 to 66265.56, or is otherwise required comply with a requirement to prevent runoff and discharges, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting unauthorized non-stormwater discharge and illicit discharges, and requiring the release of pollutants to be reduced to meet applicable water quality standards and the best available technology economically achievable.

13.24.140 Adoption of best management practices.

- A. The Director may require, at its discretion, formulate and develop a best management practices or stormwater implementation manual for activities, operations, or facilities that may cause or contribute to pollution or contamination of the storm drain system, waters of the United States.
- B. The best management practices manual may, at the Director's discretion, be revised and updated on a regular basis as needed to address new development, new regulations, or changing circumstances.
- C. The best management practices manual and all revisions thereto shall be effective immediately upon adoption

13.24.150 Inspection authority.

- A. Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Director has reasonable cause to believe that there exists upon any premises any condition constituting a violation of this chapter, the Director may, with consent, enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the Director by this chapter.
 1. Any request for entry shall state that the property owner or occupant has the right to refuse entry, and that in the event such entry is refused, inspection may be made upon issuance of a warrant issued by a court of competent jurisdiction.
 2. In the event the owner or occupant refuses entry after such request has been made, the Director is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
 - B. Photographs. The Director may, in the course of inspection, photograph the Premises to memorialize the inspection as it relates to regulation by this chapter or any other local, state, or federal law. Photographs may be taken of any facility, mechanism, apparatus, means or method thought to contribute to or facilitate a suspected violation.
 - C. Sampling. Inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to, random sampling and/or sampling in areas with evidence of stormwater contamination, illegal discharge, non-stormwater discharge to the storm drain system, or similar factors.
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- D. Sampling authority. During any inspection, the Director may take samples as necessary in order to implement and enforce the provisions of this chapter. The inspections provided for herein may include but are not limited to:
 - E. Inspecting efficiency or adequacy of construction or post-construction BMPs;
 - F. Inspection, sampling and testing any area runoff, soils in areas subject to runoff, and or treatment system discharges;
 - G. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems;
 - H. Inspection of all records of the owner, contractor, developer or occupant of the site relating to BMP inspections conducted by the owner, contractor, developer or occupant and obtaining copies of such records as necessary;
 - I. Identifying points of stormwater discharge from the site whether surface or subsurface and locating any illicit connection or illicit discharge.
 - J. Monitoring, analysis, and reporting authority.
 - 1. The Director may require monitoring, analysis, and reporting of Discharges from any site to the storm drain system.
 - 2. The burden and all costs of enforcement, including cost of these activities analyses, and reports incurred in complying with the requirement shall, to the extent permitted by law, be borne by the responsible person for which testing and monitoring has been requested.
 - 3. In the event the owner, occupant, or operator of a site subject to a monitoring and/or analysis order fails to conduct required monitoring and/or analysis and furnish the required reports, the Director may, in its discretion, cause a notice of violation to be processed.
 - K. Providing false information or tampering with monitoring equipment. Knowingly making any false statement or knowingly rendering any monitoring device or method inaccurate may result in punishment under the provisions of this chapter.

13.24.160 Requirement to eliminate illicit discharges.

Notwithstanding the requirements of this chapter, a responsible person for an illicit discharge shall immediately, or upon notice by the Director to comply by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illicit discharges.

13.24.170 Requirement to eliminate illicit connections.

- A. The Director may require, at its discretion, by written notice that a Discharger responsible for an illicit connection to the storm drain facilities comply with the requirements of this chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this chapter.
 - B. If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible discharger can demonstrate that an illegal discharge will no longer occur, said discharger may request the Director's approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible discharger's expense.
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13.24.180 Containment and notification of spills.

- A. No person shall allow or permit a spill to discharge into the storm drain system or any receiving water.
- B. All persons in charge of a facility or responsible for emergency response for a facility shall have personal responsibility to train facility personnel and maintain notification procedures to assure immediate notification is provided to the Town of any suspected, confirmed, or unconfirmed release of material, Pollutants or waste creating a risk of discharge into the Town's storm drain system.

Any person owning or occupying a site, who has knowledge of any discharge of pollutants or non-stormwater discharge from or across those premises that might enter the storm drain system, other than a release or discharge that is permitted by this chapter, shall immediately take all reasonable action to contain and abate the discharge of pollutants or non-stormwater discharge. In the event of such a release of a hazardous material or pollutant said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911).

In the event of a release of non-hazardous materials, said person shall notify the Town's public works Director in person, by phone or facsimile no later than five p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town's public works department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

- C. The Director may, at its discretion, respond to any such notification of suspected, confirmed, or unconfirmed release of material, pollutants or waste creating a risk of discharge into the Town's storm water system.
- D. For the purpose of containment in the event of a spill, all vehicles shall be stored and parked on a surface capable of containing all reasonably expected discharges from vehicles to the satisfaction of the Director.

13.24.190 Runoff.

Parties responsible for controlling runoff in excess of incidental runoff shall:

- 1. Detect leaks or discharges and correct the leaks within seventy-two hours;
- 2. Properly design, maintain, and aim sprinkler heads;
- 3. Not irrigate during precipitation events

13.24.200 Enforcement.

- A. Violations Deemed a Public Nuisance.
 - 1. Any condition caused or permitted to exist in violation of:
 - a. Any of the provisions of this chapter;
 - b. Failure to comply with any applicable stormwater requirement of an approved SWMP with respect to a site;
 - c. Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest; or
 - d. Any failure to properly operate and maintain any structural or treatment control BMP on a site in accordance with an approved SWMP, is hereby determined to be a threat to the public health,

safety and welfare, is declared and deemed a public nuisance, and may be abated or restored by any Director, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the Town attorney.

- e. Any such nuisance may be summarily abated and/or restored by any authorized Town personnel.
- 2. The costs of enforcement shall be borne by the responsible party and the cost thereof shall be invoiced to the owner of the site and a lien for the costs of enforcement shall be placed against the real property of the site, as provided by law or ordinance for the recovery of nuisance abatement costs.

If the invoice is not paid within sixty days, the Director shall have the authority to place a lien upon and against the property.

If the lien is not satisfied within three months, the Director is authorized to take all legal measures as are available to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought for a money judgment, or by delivery to the county assessor of a special assessment against the property in accordance with California Government Code Section 38773.5.
- 3. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the Director may so declare. The failure of any person to take appropriate annual precautions to prevent such violations after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this chapter.
- B. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation of such provision.
- C. Civil Actions. In addition to any other remedies provided in this section, any violation of this chapter may be enforced by civil action brought by the Town. In any such action, the Town may seek, as appropriate, any or all of the following remedies:
 - 1. A temporary and/or permanent injunction;
 - 2. Assessment of the Responsible Person for the Costs of Enforcement;
 - 3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation;
 - 4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.
 - 5. Assessment of penalties under the Government Code §53069.4 and/or Water Code § 13385 and mandatory minimum penalties.
- D. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this chapter, the Director has the authority to issue a cease and desist order to require remediation of any existing or potential violation of this chapter. When the Director finds that a violation of this chapter has taken place or is likely to take place, the officer may issue an order to cease and desist such action and/or cleanup and abate a discharge and direct that those persons not complying shall: (1) comply with the requirement; (2) comply with a time schedule for compliance; (3) take timely appropriate cleanup, remedial, abatement or preventive action to prevent the violation from recurring (4) order the cessation of activities until such problems are adequately addressed if a situation persists where pollutant-causing sources or activities are not abated; (5) levy citations or administrative fines Government Code §53069.4 and/or Water Code § 13385 and mandatory minimum penalties; (6) require the responsible party to pay the costs of enforcement; (7) require a new timeframe when all parties agree that cleanup activities cannot be completed within the original timeframe; and (8) impose more substantial civil or criminal sanctions (including referral to a Town or district attorney) and escalate corrective response, consistent with its enforcement response plan, for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.

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- E. Violations and Penalties. In addition to any criminal, civil or other legal remedy established by law that may be pursued to address violations of the municipal code, violations of the provisions of this chapter are subject to a fine of \$100.00 Each day that a violation continues shall constitute a separate offense.
- F. Requests for Relief or Reconsideration.
1. Requests for Relief. In any matter that has not been determined by the Director to constitute an emergency, any person or entity unable to comply with the requirements of this chapter, or any person affected by any Town decision, action, or determination related to this chapter, may submit to the Town a written request for relief setting forth in detail the facts supporting the request. The Director shall designate a city officer or employee with managerial authority who will consider the matter without a hearing and decide whether to grant relief where no request to cross-examine witnesses has been made. The Director's designee may request additional information. The Director's designee may decide the matter within fifteen business days from the receipt of the request, or, if additional information is requested and received within fifteen business days from the receipt of the request, then fifteen business days from the date the city receives all additional requested information. If the Director's designee does not decide the matter within the above-stated time period, the request for relief shall be deemed denied on the first day following that time period. Notice of any decision will be mailed to the person or entity requesting relief.
 2. Requests for Reconsideration.
 - a. Within ten days after the date of mailing of written notice of any Town decision granting or denying relief under paragraph 1 of this Section, or within ten days after the date the request for relief is deemed denied, any person or entity affected by the requirements, decision, action or determination that was the subject of the request for relief may submit to the Director a written request for reconsideration. The request for reconsideration must set forth in detail the facts supporting the request.
 - b. Upon receipt of such request, the Town shall request a report and recommendation from the Director and shall set the matter for hearing at the earliest practical date. At said hearing, all evidence and testimony deemed relevant and admissible by the Town shall be considered, and the Town may reject, affirm, or modify the Director's decision. Formal rules of evidence shall not apply. The decisions of the Town shall be final. Failure to appear at the hearing shall constitute a waiver and failure to exhaust administrative remedies.
 - c. The Town's decision shall become final and binding at the time the Town mails its decision.
 - d. Any person or entity affected by a decision, action or determination related to this chapter who wishes to appeal or challenge the decision, action or determination must request reconsideration using the process specified in this paragraph 2. This requirement is jurisdictional. The failure to seek reconsideration shall be deemed a failure of the person or entity subject to the decision, action or determination to exhaust administrative remedies.
- G. Appeal.
1. In any matter deemed an emergency, the decision of the Director is final and any appeal may be taken.
 2. The decision on any request for reconsideration is final and any appeal may be taken.
 3. Within twenty calendar days after mailing, by first class mail, of the final decision. Pursuant to Section 53069.4, the appealing party shall serve a copy of the appeal notice in person or by first-class mail upon the Town. Appeal notices shall be sent to: Town Administrator P.O. Box 40 Fort Jones, CA 96032 If no appeal notice is filed within the twenty calendar day period, the final decision shall be deemed confirmed.
- H. Emergency orders and abatements.
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1. The Director may order the immediate abatement of any discharge from any source to the storm drain system when, in the opinion of the Director, the discharge causes or threatens to cause a condition that presents an imminent danger to the public health, safety, welfare or environment, or a violation of this chapter.
 2. In emergency situations, where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, welfare, or environment, or a violation of this chapter, the Town may perform or cause to be performed such work as shall be necessary to abate the threat or danger.
- I. **Violations and Penalties.** In addition to any criminal, civil or other legal remedy established by law that may be pursued to address violations of the municipal code.. Each day that a violation continues shall constitute a separate offense.
 - J. **Permit Revocation.** To the extent the Town makes a provision of this chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to permit revocation.
 - K. **Remedies.** Remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

13.24.210 Acts potentially resulting in a violation of the federal Clean Water Act and/or California Porter-Cologne Act.

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

13.24.220 Disclaimer of liability.

- A. The degree of protection required by this chapter is considered reasonable for regulatory purposes, and is based on scientific, engineering, and other relevant technical considerations.
- B. The standards set forth herein are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into waters of the United States.
- C. This chapter shall not create liability on the part of the Town, or any officer or employee thereof, for any damages that result from reliance on the code or any administrative decision lawfully made thereunder.