

AGENDA
YREKA PLANNING COMMISSION
Yreka City Council Chamber – 701 Fourth Street, Yreka, Ca.
June 18, 2014 at 6:30 P.M.

Call to Order

Pledge of allegiance

Conflict of Interest Declaration – Planning Commissioners

PUBLIC COMMENTS

This is an opportunity for members of the public to address the Commission on subjects within its jurisdiction, whether or not on the agenda for this meeting. The Commission reserves the right to reasonably limit the length of individual comments. For items that are on this agenda, speakers may request that their comments be heard instead at the time the item is to be acted upon by the Commission. The Commission may ask questions, but may take no action during the Public Comment portion of the meeting, except to direct staff to prepare a report, or to place them on a future agenda.

SPEAKERS: Please state your name and mailing address so that City Staff can respond to you in regard to your comments, or provide you with information, if appropriate. You are not required to state your name and address if you do not desire to do so.

1. Consent Calendar - Discussion/Possible Action – All matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Planning Commission wishes to remove an item for discussion or a member of the audience wishes to comment on an item. The City Manager recommends approval of the following consent calendar items:
 - a. Approval of the minutes of the meeting held on May 21, 2014.
2. Discussion/Possible Action – Adopt Resolution No. PC 2014-05 Consideration of Conditional Use Permit (CUP) #4214 for establishment and operation of the business of The Etna Brewery Tap House. Applicant: Kit Marshall, Location: 231 W. Miner Street, Assessor’s Parcel Number: 054-041-360, Zoning: C2, Commercial Downtown, General Plan Designation: HD, Historic Downtown, Project Number: Conditional Use Permit (CUP) #4214
 - a. Staff Report
 - b. Public Hearing
 - c. Decision
 - Categorical Exemption
 - Adopt Resolution No. PC 2014-05 Approval of Conditional Use Permit # 4214 at 231 W. Miner Street (APN: 054-041-360).

City Manager’s Report.

Commissioner’s Statements and Comments

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD
ON THE 21ST DAY OF MAY, 2014

On the 21st day of May, 2014 at 6:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said City in regular session. The meeting was called to order by Chair Osborn and present were:

Commissioners: Deborah Baird, Diane Knitter, Steve Leal, Paul McCoy, Matt Osborn and Richard Rolzinski. Absent: Barry Ohlund.

PUBLIC COMMENTS: The following people spoke as proponents of the Fruit Growers Project.

Grace Bennett – Supervisor for Siskiyou County District 4

Joan Smith Freeman – Executive Director for KARE (Klamath Alliance for Resources & Environment).

Eric Levesque – Board of Director for Siskiyou County Economic Development Council

Consent Calendar: Chair Osborn announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Planning Commission wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

- a. Approval of Minutes of the regular meeting held on April 16th, 2014.

Following Commission discussion, Commissioner Leal moved to approve the minutes of the regular meeting held April 16, 2014 as submitted.

Commissioner McCoy seconded the motion, and upon roll call, the following voted YEA: Baird, Knitter, Leal, McCoy, Osborn and Rolzinski.

Chair Osborn thereupon declared the motion carried.

Discussion/Possible Action – Adopt Resolution No. PC 2014-03 Consideration of Conditional Use Permit (CUP) #4197 and Mitigated Negative Declaration (MND) #4196 to allow for the construction, establishment, and operation of a new small-log sawmill on an existing site zoned with the M-2, Heavy Industrial zone district and located in Yreka Industrial Park.

The Commission reviewed Resolution No. PC 2014-03 Conditional Use Permit and Mitigated Negative Declaration application submitted for Fruit Growers Supply Company to operate a new small-log sawmill. Applicant: Fruit Growers Supply Company, Location: 229 South Phillippe

Lane, M-2 (Heavy Industrial) Zone, I (Industrial) General Plan designation. Assessor's Parcel Numbers 053-681-060, 053-681-070, & 013-100-140.

Scott Friend of Pacific Municipal Consultants presented the Commission with the staff report and the following background – The City has received a Conditional Use Permit application from Fruit Growers Supply Company to construct and operate a new small-log sawmill operation on approximately 79 acres at 229 South Phillippe Lane. A Conditional Use Permit is required in the M-2, Heavy Industrial zoning district to allow heavy industrial uses which may "*be objectionable by reason of noise, smoke, odor, dust, noxious gases, glare, heat, fire hazard, traffic, vibration, storage or handling of explosives or other dangerous material, or other nuisance factors*" (YMC 16.42.070). As a result of the potential use characteristics of the proposed project, staff has determined that a Conditional Use Permit is necessary for the proposed project. City staff has reviewed the application and recommends the adoption of Conditions of Approval addressing the potential negative operational attributes of the proposed project. Based upon the incorporation of the Conditions of Approval and Mitigation Measures outlined in the Initial Study prepared for the project, staff is recommending that the Planning Commission approve the Conditional Use Permit. A Mitigated Negative Declaration has been prepared for the project and no significant un-mitigable impacts have been identified. As such, staff is recommending approval of the Mitigated Negative Declaration for the project.

The proposed project consists of a new small-log sawmill, raw log processing area, finished product and recycled materials storage areas, maintenance and operations buildings, scale and scale house, and shipping center for the purpose of receiving and processing timber and distributing a product of pallet stock lumber. Processed lumber will be transported off the site where it will then be assembled into its final form and used to meet the packaging needs of the Company's operations throughout California. The proposed project site is an abandoned lumber mill (former Hi-Ridge Lumber Company mill site) and contains a number of existing small buildings and structures from the previous use.

The project is proposing the construction of a two-story pre-manufactured ±50,000 square foot metal sawmill building containing the saw and primary sorting, scaling, cutting and processing equipment; a premanufactured ±12,000 square foot equipment maintenance shop; a new truck weigh scale and scale house; establishment of a pre-processing raw product log deck/log storage area; wood-waste storage and recovery area; finished product storage and shipping area; a 45-space paved parking area; and, a multi-element storm water capture, filtration and drainage system. In addition, the project proposes to construct and improve an on-site internal circulation system. The proposed project would also use approximately 6,000 square feet of existing building space for offices and would re-habilitate and re-use the existing on-site fire suppression/irrigation system. Additionally, the proposed project would keep the existing water tower on the site as a decorative, non-functional design element. Wastewater and potable water are currently provided to the project site by the City of Yreka's municipal utility system; the site has existing curb, gutter and sidewalk street improvements along its frontage with South Phillippe Lane; and, all dry utilities (power, telco, etc.) are currently available on, or adjacent to, the project site.

The project site is comprised of three existing parcels totaling approximately 79 acres in size. Two of the three parcels are owned by the Fruit Growers Supply Company with the third parcel owned by the City of Yreka. The two parcels owned by the Fruit Growers Supply Company are located inside of the incorporated portion of the City while the third parcel, owned by the City of Yreka, and is located in the unincorporated County area within the City's Sphere of Influence. The project has been conditioned to require that the Fruit Growers Supply Company enter into a perpetual use agreement with the City for the duration of the life of the project to prevent a portion of the site from becoming unusable to the project. No developed structures or vertical elements are proposed to be located on the City-owned parcel and all improvements to the city-owned parcel will be related to the storm drainage system only.

The project site is located on the west side of South Phillippe Lane between Oberlin Road and State Route 3/Montague Road in the incorporated area of the City of Yreka and inside of the area known as the Yreka Industrial Park. The site is bordered on the north by the Yreka Western Railroad tracks (currently out of operation) and various existing industrial uses (Belcampo Meat Processing plant and J.P. Shea Co. concrete and asphalt batch plant); to the east by the existing Shasta Forest Products lumber mill; to the south by vacant, undeveloped land owned by the City of Yreka; and, to the west by large lot, rural residential parcels in the unincorporated County area. The site is accessible via three existing driveways on South Phillippe Lane. As further described in Section 4.8 of the Initial Study, the project site has been identified by the North Coast Regional Water Quality Control Board (NCRWQCB) as a site having contamination issues due primarily to past uses of the site (Hi-Ridge Lumber Company). Currently the site is identified as a formal "Brownfield" site by the State of California. The site is currently subject to a Cleanup and Abatement Order from the NCRWQCB as well as site specific waste discharge requirements. As part of the effort to clean-up the site, the Applicants have prepared a Remedial Action Plan (RAP) that has been approved by the NCRWQCB. The Plan details how the applicant proposed to address contamination issues and the plans to achieve compliance with site clean-up objectives. As part of this effort, Phase I and Phase II Environmental Site Assessment reports were prepared and a site Clean-Up Plan and RAP were developed and approved. The fundamental elements of this effort include the creation of an extensive network of storm water filtration basins to address surface water quality and runoff concerns, excavation of contaminated soil and encapsulation and capping in an on-site containment cell, removal of the on-site water well and numerous monitoring wells, removal of an existing underground fuel tank, and removal of debris and equipment that did or could contain known hazardous chemicals. Work to implement the approved site clean-up plans and RAP has been approved by the State of California and work on this effort is currently nearing completion. It is anticipated that the result of this effort will be a site that meets with the requirements of the State as it relates to the containment of polluted storm water discharge and which allows for the productive reuse of the site for a future use. According to the applicant, tests conducted over the past winter season have indicated that little or no contamination in soil or water samples were detected following the recently concluded remediation work.

Yreka Municipal Code (YMC) Chapter 16.42 states that heavy industrial or manufacturing uses which may be objectionable by reason of noise, smoke, odor, dust, noxious gases, heat, fire hazard, traffic, vibration, storage or handling of explosives or other dangerous material, or other

nuisance factors are permitted with a Conditional Use Permit in the M-2, Heavy Industrial zoning district. Due to the potential of nuisance factors from the proposed use, a Conditional Use Permit is required.

Analysis: M-2, Heavy Industrial Development Standards: Development regulations for the M-2, Heavy Industrial zone district require setbacks of 20 feet in the front, 20 feet on the side, and 10 feet in the rear; a maximum lot coverage of up to 75 percent; and a maximum building height of 45 feet. All of the proposed buildings meet the setback requirements of the zone district. The proposed buildings combined with the existing office structures total less than 2-acres of lot coverage on the approximately 79 acre site. The project meets the City's maximum lot coverage standards. The existing office buildings are approximately 16 feet in height and the proposed buildings are at a maximum height of 45 feet for the mill building, 31 feet for the maintenance shop building, and 14 feet for the truck scale house. The project meets all setback, lot coverage, and building height regulations of the Municipal Code.

Traffic: The proposed sawmill would operate 8 to 10 hours per day 5 days a week between the hours of 7:00a.m. and 5:00p.m. An average of approximately 80 trucks per day will transport logs to the facility. During the summer months, the number of truck trips is expected to increase to a maximum of 150 trucks trips per day. A maximum of 60 truck trips per day will carry finished lumber from the facility and a maximum of 20 truck trips per day will take log by-products (bark, sawdust, bio-mass waste) off-site. Based upon the analysis prepared for the project and included in the CEQA Initial Study, the new vehicle trips (cars and trucks) associated with the sawmill do not reach the capacity of the existing street infrastructure or trigger a level of service threshold when added to the existing traffic on South Phillippe Lane. It is anticipated that traffic volumes will be substantially reduced during winter months due to weather related hazards and operational constraints.

General Plan Circulation Element Program CI.4.F states that traffic impacts are considered significant if they result in traffic volumes that exceed the "environmental capacity" of average daily trips (ADT), which is defined as greater than 2,500 ADT on collector facilities like South Phillippe Lane and greater than 5,000 ADT on arterial facilities like SR 3/Montague Road. The proposed project would result in a maximum of 460 daily haul truck trips in the summer season (150 raw product delivery trucks coming and going and 60 finished product haul trucks coming and going and 20 byproduct haul trucks coming and going $[(150 \times 2) + (60 \times 2) + (20 \times 2)]$). Additionally, the project anticipates 40 employees accessing the site each day as well as five visitors. Assuming that every employee and visitor travels to the site via automobile as the sole passenger and that each employee would leave the site for a lunch break before returning, each project employee would represent four trips and each visitor would represent two trips. Therefore, project employee and visitor trips would result in an average 170 trips daily year-round $[(40 \times 4) + (5 \times 2)]$.

According to Siskiyou County staff (Tinsman, 2014), the most recent traffic data for South Phillippe Lane shows that 71 traffic trips are accommodated daily. The addition of the maximum 460 haul truck daily trips and 170 employee/visitor daily trips for a total of 630 maximum daily trips to the existing daily traffic on South Phillippe Lane would not surpass the City General Plan

threshold of 2,500 ADT for a collector roadway [71 existing daily trips+ 630 project daily trips= 701].

Parking: The required parking for industrial uses is one space for each employee of the maximum working shift [YMC Section 16.54.020 (A)(2)]. Due to the building being greater than 5,000 square feet, an off-street loading space is also required. The project proposes multiple off-street truck loading/un-loading spaces and truck parking spaces and the project has been conditioned to provide a minimum of 45 asphalt concrete parking spaces representing a vehicle parking accommodation for a maximum employee and site visitor event. It is noted that a parking plan for the project has not yet been submitted or reviewed by staff and as such a condition of approval has been included in the Conditions of Approval to the Use Permit requiring such a plan be submitted and approved by the City Manager prior to the submittal of project building plans.

Lighting: Outdoor security and safety lighting has been proposed in the parking lot, on the exterior of project buildings, and in the loading area(s). However, a formal lighting plan for the project has not yet been submitted or reviewed by staff. As specified in YMC Section 16.46.060, outdoor lighting should not cause unreasonable glare to adjoining properties or cause sky-reflected glare if practical. YMC Section 16.54.110 requires that all lighting in the loading area be redirected away from abutting properties so as not to cause glare or light intrusion issues. A mitigation measure is listed in the Mitigation Monitoring Plan that requires all outdoor lighting to be shielded and directed inward on the project site. Additionally, a Condition of Approval has been included for the project that requires the submittal of a site lighting plan, to be approved by the City Manager, compiling with the provisions of the YMC and identifying that all exterior lighting be directed downward to the ground and shielded and specifying a maximum off-site light escape level of one foot-candle at the property line where practicable.

Noise: The proposed facility will be a generator of new noise in the project area. While noise levels resulting from the project are not expected to be great or inappropriate for the area, they will inevitably be greater than under existing conditions (i.e., an undeveloped parcel). The proposed facility will result in both new short term and long-term noise from both stationary equipment (sawmill, baghouse, pumps, buildings, etc.) and mobile equipment (vehicles and tractors). It is anticipated that the primary stationary noise sources will be the de-barking equipment and the baghouse. As detailed in the Initial Study, a combination of the distance separating the noise generating equipment from the nearest sensitive receptor (1,800 feet) and limits on the hours of operation of the facility (7:00am to 5:00pm) will result in the project meeting the City's General Plan noise thresholds for long-term and stationary sources. For short-term noise, the City's General Plan establishes both a short-term noise standard (50dBA) as well as an exemption from the short-term noise standard for construction-related activities. Based upon the analysis included in the Initial Study, the loudest short-term noise generating events will involve initial construction activities however construction related noise generating activities are limited to the time period from 7:00am to 5:00pm. Following the conclusion of the initial construction phase, no noise-level thresholds of significance will be exceeded for operational actions. It is noted that the Initial Study concluded that due to the distance separating the site of the vertical construction elements and the limitations on the timing of construction activities

(7:00am to 5:00pm), short-term noise levels were identified as being having a less-than-significant impact and falling below the City's adopted noise standards. However, to further address potential noise issues on the site, a Condition of Approval has been placed on the project requiring that sound insulation be utilized at the baghouse location and in the sawmill building; that the project plant and maintain a grouping of evergreen trees along the northwest property boundary and at the southeast property boundary to provide both a visual screen and an auditory screen from the closest off-site sensitive receptors and, that all equipment utilizing auditory back-up warning systems cease operations no later than 10:00pm.

A Mitigated Negative Declaration was prepared for this project consistent with the requirements of the California Environmental Quality Act (CEQA) and has been included with this staff report Initial Study/Mitigated Negative Declaration. The mitigated negative declaration was prepared pursuant to Sections 15070 - 15075 of the CEQA Guidelines and Title 19 *Environmental Impact Procedure* of the YMC. The public comment period for the Mitigated Negative Declaration was April 18, 2014 to May 19, 2014. The document was circulated to the public for a thirty day (30-day) public review period and was posted with the California State Clearinghouse and at the Siskiyou County Clerk-Recorder's office. Additionally, copies of the document were made available at City Hall and on the City's website. At the time this staff report was published, no comments had been received on the mitigated negative declaration.

The analysis in the document concluded that there were less than significant impacts with mitigation incorporated in the Aesthetics, Cultural Resources, Hazards and Hazardous Materials and Air Quality, subsections. The impacts and mitigation measures can be found in Mitigation Monitoring Program. The initial study indicates that there is no substantial evidence, in light of the whole record before the Planning Commission, that the project will have a significant effect on the environment if the mitigation measures are adopted and implemented. In order to approve the environmental determination of a mitigated negative declaration, the Planning Commission must adopt the findings, the Mitigated Negative Declaration, and the Mitigation Monitoring Program.

Staff recommends that the Planning Commission adopt Mitigated Negative Declaration #4196, the Mitigation Monitoring Program, and the Findings of Approval. Staff also recommends that the Commission grant approval of the Conditional Use Permit through adoption of Planning Commission Resolution #2014-03 for Conditional Use Permit #4197 subject to the Findings and Conditions of Approval permitting the construction and operation of a new small-log sawmill by the Fruit Growers Supply Company at 229 South Phillippe Lane.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on May 1, 2014 and a Notice of Public Hearing was published in the Siskiyou Daily News on May 2, 2014.

Public Hearing - This being the time and date set for the public hearing, Chair Osborn opened the hearing to the audience.

Mark Lindgren, President of Fruit Growers was present to answer questions and stated he was impressed to see the crowd in support for this project.

Kermith Walters, Superintendent of Siskiyou County Office of Education, spoke in support of the Fruit Growers Project stating that enrollment in local schools has dropped over the past years and that this project will benefit Siskiyou County.

Scott Friend stated for the record that correspondence was received from Jennifer Burke - Private Forest Land Owner, Tonya Dowse – Siskiyou County Economic Development Council, State of California Department of Fish and Wildlife, Kermith Walters – Siskiyou County Office of Education, David Bischel – California Forestry Association, Kim Sumner – County of Siskiyou Air Pollution Control District. As proponents to the project.

There being no other statements or comments from the audience, Chair Osborn closed the public hearing and discussion was opened to the Commission.

Following Commission discussion, Commissioner Leal moved to determine that the contents of the Mitigated Negative Declaration #4196 and the procedures through which it was prepared, publicized, and reviewed comply with the provisions of the California Environmental Quality Act, State CEQA Guidelines, and Title 19 Environmental Impact Procedure of the Yreka Municipal Code and that the Planning Commission adopt the findings, approving the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the project.

Findings for Adoption of the Mitigated Negative Declaration –

1. The Planning Commission has considered the proposed Mitigated Negative Declaration before making a decision on the project.
2. The Planning Commission has considered comments received on the Mitigated Negative Declaration during the public review process.
3. The Planning Commission finds that the initial study identified potentially significant effects, but a) mitigation measures agreed to by the Applicant before the mitigated negative declaration and initial study were released for public review would avoid the effects or mitigate the effects to a point where clearly no significant impact would occur, and b) there is no substantial evidence, in light of the whole record before the City, that the project as revised to include the mitigation measures may have a significant effect on the environment.
4. With the Mitigation Monitoring Program, there is no substantial evidence of a fair argument that the project will have a significant effect on the environment.
5. The Mitigated Negative Declaration has been prepared in compliance with the Public Resources Code, the State CEQA Guidelines, and Yreka Municipal Code Title 19

Environmental Impact Procedure, and is determined to be complete and final.

6. The Mitigation Monitoring Program ensures implementation of mitigation measures identified in the Mitigated Negative Declaration. The Planning Commission finds that these mitigation measures are fully enforceable as conditions of approval of the project, and shall be binding on the Applicant, future property owners, and affected parties.

Commissioner McCoy seconded the motion, and upon roll call, the following voted YEA: Baird, Knitter, Leal, McCoy, Osborn and Rolzinski.

Chair Osborn thereupon declared the motion carried.

Commission Leal moved to adopt Planning Commission Resolution #2014-03 making the findings and subject to the Conditional of Approval, and approve Conditional Use Permit #4197, a request to allow for the operation of a new small-log sawmill.

The following findings of fact have been determined by the Planning Department for the construction and operation of a sawmill on approximately 79 acres located at 229 South Phillippe Lane, APNs: 053-681-060, 053-681-070, and 013-100-140:

Findings of Approval:

1. The proposal will not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use.

The proposal to construct, establish, and operate a small log sawmill would not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. The City's General Plan Noise Element Policy 10 limits construction activities to the hours of 7 a.m. to 5 p.m.. The proposed project will not operate on a 24-hour per day basis. Normal facility operational hours will occur within daytime hours only and will not occur during nighttime periods (10:00pm to 7:00am). As discussed in Section 4.12 the Initial Study/Mitigated Negative Declaration (ISIMND), the project would not produce noise in the longterm greater than the maximum allowable noise level of 50 dBA (as listed in the City of Yreka's General Plan Noise Element) at the nearest residential land use which is approximately 295 feet away from the closest proposed project structure. Per Mitigation Measure 4.1.1 of the IS/MND, lighting would be shielded and directed inward onto the project site to prevent glare on adjacent properties. Subject to the issuance of a Conditional Use Permit by the Planning Commission and subject to the Conditions of Approval, use of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

2. The proposal will not be materially detrimental to property or improvements in the neighborhood.

The proposal will not be materially detrimental to property or improvements in the neighborhood. The granting of the Conditional Use Permit would allow an industrial use similar to the historic uses in the City. The new construction will contribute to the existing and planned industrial uses in the area and the site, building, and landscape improvements will provide an enhancement to a parcel that has been unused for at least the last 10 years. Conditions of Approval will provide for land use compatibility through landscaping, lighting and noise restrictions, and limits to the hours of operation between the proposed industrial development and the nearest residences.

3. The proposal will not be materially detrimental to the general welfare of the city.

The use is compatible with the policies and objectives of the zoning ordinance for a M-2, Heavy Industrial zone, which allows a heavy industrial or manufacturing use which may be objectionable by reason of nuisance factors upon approval and validation of a conditional use permit as set forth in Section 16.42. 070 (C) of the Yreka Municipal Code. The sawmill is consistent with the existing and historic industrial uses of the surrounding area and is consistent with the General Plan. As discussed in section 4.16 of the ISIMND, the proposal will not increase traffic beyond the capacity of existing infrastructure.

4. An initial study has been prepared by the Planning Department to evaluate the potential for adverse environmental impacts. The Planning Commission finds that there is no substantial evidence, in light of the whole record before the Planning Commission, that the project will have a significant effect on the environment if the mitigation measures are adopted and implemented. The Commission directs that a Mitigated Negative Declaration be prepared.

The foregoing findings are based upon the following:

The design of the project and its proposed improvements will not cause serious public health problems or significant environment damage since the proposed project is for an industrial use within an existing industrial area.

Conditions of approval will provide maximum land use compatibility between the proposed industrial development and the existing industrial area and any residences in proximity of the site. None of the findings necessary for denial of this proposal can be found in the affirmative.

The following conditions shall be complied with at all times while the use permitted by this permit occupies the premises:

General Conditions-

1. Permittee is granted a permit to construct, establish and operate a Fruit Growers Supply Company sawmill including installing a two-story, pre-manufactured $\pm 50,000$ square foot building used to process small logs into lumber and a pre-manufactured $\pm 12,000$ square foot equipment maintenance facility on a project site of approximately 79 acres at 229 South Phillipe Lane, APN: 053-681-060, 053-681-070, 013-100-140. The premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the permittee.
2. All elements of the project application including the site plan shall be complied with as approved.
3. Adequate off-street parking facilities shall be provided as follows: one (1) space for each employee of the maximum working shift and one off-street loading space plus one (1) loading space per 20,000 square feet of gross floor area. As submitted, the project requires forty-five (45) parking spaces and four (4) off-street loading spaces.
4. The off-street parking plan and facilities shall be approved by the City Manager. All loading, access drives, and aisles shall be paved and striped and bumper rails or other barriers shall be provided, as determined by the City Building Official or Director of Public Works and in accordance with Section 16.54.090 of the Yreka Municipal Code.
5. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicles Code, California Building Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons.
6. Use shall be conducted in accordance with the site plan as submitted for the property located at 229 South Phillipe Lane, as approved by the Planning Commission on May 21, 2014, and the site plan shall not be changed or deviated from without approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.
7. An in -ground automated irrigation system designed with specifications that meets the requirements of Section 11.38.050 of the Yreka Municipal Code shall be submitted and approved by the City Manager or Building Official.
8. Permittee shall obtain approval of all required public improvements through the Department of Public Works' encroachment permit process for construction of and/or

connection to any City sewer, water, or storm drain. For any public infrastructure improvements that need to be constructed, the Department of Public Works may require plans prepared by a registered civil engineer. The required plans would be in addition to the plans prepared for the Building Department.

9. Permittee shall submit a grading plan for review and approval by the Building Official prior to construction or any on-site grading.
10. Permittee shall submit a storm water detention analysis and drainage plan for review and approval by the Director of Public Works and/or Building Official prior to start of construction or any on-site grading specifically related to the needs of the proposed project. On-site detention or storm drain extension may be required. Low Impact Development (LID) techniques and facilities shall be used to the maximum extent possible.
11. Permittee shall comply at all times with the zoning district regulations for the *M-2, Heavy Industrial zone* as set forth in section 16.42 of the Yreka Municipal Code.
12. Permittee shall obtain a building permit and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure. Public infrastructure improvements such as curb, gutter, sidewalk, curb ramps, driveway approaches, street lights and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030. If such improvements already exist, damaged public improvements shall be repaired and/or replaced to restore the improvements to a condition satisfactory to the Director of Public Works in accordance with Yreka Municipal Code Section 11.24.030.
13. Prior to the use of any of the buildings, the permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that the structures meet the building standards and the fire regulations of the California Building Standards.
14. A landscape plan shall be submitted and approved by the City. Manager Per Section 16.52.030 of the Yreka Municipal Code, the following is required:
 - a. Five percent of the parking area shall be planted with trees, shrubs and ground covers.
 - b. A minimum of one 5-gallon sized tree is required per ten (10) parking spaces.
 - c. Parking areas provided adjacent to the street shall be separated from the street by landscaping within the required building setback area. One 15-gallon sized tree for each one hundred (100)feet of street frontage and one-gallon sized shrub for each five (5) feet of street frontage is required. This landscape area does not qualify for the five percent requirement in subsection (a.).
15. As part of the project landscape plan, the applicant shall install enhanced landscape planting to consist of groupings of evergreen trees and enhanced shrub plantings along the southeast and northwest property lines to provide screening from the closest off-site

residential dwellings.

16. The installation and maintenance of the landscaping shall be per the approved landscape plan. As necessary, replacement of landscaping is required to match the approved plan. Water efficient irrigation system shall be installed for the landscaping per Yreka Municipal Code Section 16.52.030 (E).
17. Construction activities shall be limited to the hours of 7:00 am to 5:00 pm; all construction equipment to be operated within 500' of an occupied residence shall only operate between the hours of 7:00am to 7:00pm Monday-Saturday and 8:00 am to 5:00 pm on Sundays; and, hours of operation are limited to daytime hours only, including materials transport activities.
18. The project shall incorporate noise reduction strategies to include sound insulation at the baghouse structure, sawmill building, equipment maintenance shop and on equipment to include the debarking equipment, mill saw and tractors. Warning and back-up signal volumes shall be at the lowest allowed levels permitted by the OSHA and regulatory agency standards.
19. Permittee shall secure an annual City business license to carry on the business of a sawmill.
20. Exterior site lighting shall be dark sky compliant where possible and shall be shielded and directed inward to reduce off-site light impacts. Exterior lighting shall be limited to a maximum off-site light escape of one-foot candle at the property line.
21. The use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.
22. The site plan approval shall expire and the City may set hearings and take action to terminate if not used within one (1) year from the date of approval unless, prior to the expiration of one year, a building permit is issued and construction is commenced. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

Mitigation Measures

The following conditions of approval are also mitigation measures and relied upon to reduce impacts identified in the Initial Study to a less than significant level. While the Commission may make minor modifications to any condition of approval, including mitigation measures, any substantial modification to the mitigation measures will need to be reviewed in light of the entire record and could result in the need to recirculate the

environmental document before taking action on the proposed project.

23. All lighting shall be shielded and directed inward onto the project site. It shall not create glare on neighboring properties. Tall fixtures that illuminate large areas shall be directed downward to prevent light spillover onto neighboring properties and streets. Lighting shall be directed away from adjacent roadways and shall not interfere with traffic or create a safety hazard. All outdoor lighting on the project site shall be shielded.
24. The following dust control measures shall be incorporated into the project to reduce short-term emissions resulting from construction. Depending on weather and site conditions, or as directed by the City, measures shall include, but are not limited to, the following:
 - a. Use regular watering to control dust generation as described below.
 - b. When transporting soil and other dust-generating materials by truck during construction activities, cover materials and/or maintain 2 feet of freeboard.
 - c. Wash or wet-sweep paved streets adjacent to construction sites as necessary to remove accumulated dust.
 - d. During earth-moving operations, conduct watering as necessary to prevent visible emissions from extending beyond active areas.
 - e. Water all unpaved roads used for any vehicular traffic at least once per every two hours of active operations and restrict vehicle speed on unpaved roads to 15 miles per hour (mph), or as appropriate to reduce dust.
 - f. Pave, maintain a wet surface, or apply dust suppressants on all unpaved access roads, parking areas, and staging areas.
 - g. Suspend land clearing, grading, earth-moving, or excavation activities when winds exceed 20 miles per hour.
 - h. Cover inactive storage piles of topsoil or landscape materials.
 - i. Post a publicly visible sign with the number and person to contact regarding dust complaints. This person shall have the authority and responsibility to respond and take corrective action within 24 hours.
 - j. No temporary asphalt or concrete batch plants will be allowed to operate on-site.
 - k. Construction staging areas should be located at a distance that would reduce odors and dust emissions from existing schools and residential areas.
25. If, during the course of project implementation, cultural resources (i.e., prehistoric sites,

historic features, isolated artifacts, and features such as concentrations of shell or glass) are discovered, work shall be halted immediately within 50 feet of the discovery, the City of Yreka Public Works Department shall be immediately notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to determine the significance of the discovery. The City shall consider mitigation recommendations presented by a professional archaeologist and implement a measure or measures that the City deems feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

26. If, during the course of project implementation, paleontological resources (e.g., fossils) are discovered, work shall be halted immediately within 50 feet of the discovery, the City of Yreka Public Works Department shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. The City shall consider the mitigation recommendations presented by a professional paleontologist and implement a measure or measures that the City deems feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.
27. If, during the course of project implementation, human remains are discovered, all work shall be halted immediately within 50 feet of the discovery, the City of Yreka Public Works Department shall be immediately notified, and the County Coroner must be notified, according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Code of Regulations Section 15064.5(d) and (e) shall be followed.
28. The project applicant shall be required to complete all site remediation actions approved by the North Coast RWQCB active cleanup order Case Number 1NS1103.

Commissioner Knitter seconded the motion, and upon roll call, the following voted YEA: Baird, Knitter, Leal, McCoy, Osborn and Rolzinski.

Chair Osborn thereupon declared the motion carried.

The foregoing Resolution #2014-03 was adopted by the Planning Commission on the 21st day of May, 2014 by the following vote: Ayes: 6, Nays: 0, Absent: 1

Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit for the establishment and operation of Yoga Studio with retail sales.

The Commission reviewed Conditional Use Permit #4205 for the establishment and operation of a Yoga Studio and retail store to be located in an existing facility. Applicant: Kim Freeze,

Location: 113 W. Miner Street, C-2 (Commercial Downtown) Zone, H (Historic) General Plan designation. Assessor's Parcel Numbers 054-042-020.

City Manager Steve Baker presented the Commission with the following summary – The City has received an application for a Conditional Use Permit from Kim Freeze for the establishment and operation of a Yoga Studio and retail store to be located in an existing facility. Pursuant to Yreka Municipal Code (YMC), a Conditional Use Permit is required to allow the use of a Yoga Studio. The retail sales are a permitted use by right in the C-2 Downtown Commercial District. Background: The subject property is zoned C-2 Downtown Commercial and is located within the Downtown Historic District. YMC Chapter 16.34 provides that retail establishments are a permitted use in the C-2 Downtown zoning district. However, the use such as a Yoga Studio requires a Conditional Use Permit.

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 exemptions consist of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency's determination.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on May 1, 2014 and a Notice of Public Hearing was published in the Siskiyou Daily News on May 2, 2014.

Public Hearing - This being the time and date set for the public hearing, Chair Osborn opened the hearing to the audience.

There being no statements or comments from the audience, Chair Osborn closed the public hearing and discussion was opened to the Commission.

Commissioner McCoy moved to determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities of the CEQA Guideline.

Commissioner Rolzinski seconded the motion, and upon roll call, the following voted YEA: Baird, Knitter, Leal, McCoy, Osborn and Rolzinski.

Chair Osborn thereupon declared the motion carried.

Commissioner Leal moved to adopt Planning Commission Resolution #PC 2014-04 making the findings and subject to the Conditions of Approval and approve Conditional Use Permit #4205, to allow the establishment and operation of a Yoga studio said Resolution being in the words as follows:

**PLANNING COMMISSION RESOLUTION PC 2014-04
APPROVING CONDITIONAL USE PERMIT# 4205**

The Planning Commission has made the following findings with respect to the requested Conditional Use Permit:

1. The proposal will not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use.
2. The proposal will not be materially detrimental to property or improvements in the neighborhood.
3. The proposal will not be materially detrimental to the general welfare of the city.

The Planning Commission of the City of Yreka does hereby approve Conditional Use Permit #4205, subject to the following conditions:

General Conditions of Approval:

1. Permittee granted a permit to establish and operate the business of a yoga studio located at 113 W. Miner Street, APN: 054-042-020.
2. The business will be located in an existing facility in the C2 (Downtown Commercial) zone and can be served by existing municipal parking facilities.
3. Use shall be conducted in accordance with the application as submitted for the property located at 113 W. Miner Street, as approved by the Planning Commission on May 21 , 2014.
4. Permittee shall comply at all times with the zoning district regulations for a C2, *Commercial Downtown* zone, as set forth in section 16.34 of the Yreka Municipal Code. HD (Historic District) General Plan designation.
5. Permittee shall obtain a building permit and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure.
6. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that the structure meets the building standards and fire regulations of the California Building Code, California Fire Codes and the California Historical Building Code standards prior to commercial use.
7. No signs shall be placed on the premises without first obtaining a sign permit.

8. Permittee shall maintain an annual City business license to carry on the business of a yoga studio.
9. The use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.

Commissioner Knitter seconded the motion, and upon roll call, the following voted YEA: Baird, Knitter, Leal, McCoy, Osborn and Rolzinski.

Chair Osborn thereupon declared the motion carried.

The foregoing Resolution #2014-04 was adopted by the Planning Commission on the 21st day of May, 2014 by the following vote: Ayes: 6, Nays: 0, Absent: 1

There being no further business before the Commission, the meeting was adjourned.

Chair
Approved by motion of the Planning
Commission on June 18, 2014

Adjournment

Decisions of the Planning Commission may be appealed to the City Council by filing a written notice of appeal within 10 calendar days of the decision. Appeal must be submitted to the City Clerk's office together with the appeal fee of \$150.00 plus publication fee if required.

If you challenge any action taken pursuant to the California Environmental Quality Act, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Department at, or prior to, the public hearing. (Public Resources Code Section 21177)

All documents produced by the City which are related to an open session agenda item and distributed to the Planning Commission are made available for public inspection in the City Clerk's office during normal business hours.

In compliance with the requirements of the Brown Act, notice of this meeting has been posted in a public accessible place, 72 hours in advance of the meeting.

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the City Clerk 48 hours prior to the meeting at (530) 841-2324 or by notifying the Clerk at casson@ci.yreka.ca.us.



CITY OF YREKA
PLANNING COMMISSION AGENDA MEMORANDUM

To: Yreka Planning Commission
Prepared by: Steve Baker, City Manager
Agenda Title: Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit for the establishment and operation of the Etna Brewery Tap House.
Meeting date: June 18, 2014

Discussion:

The City has received the attached application for a Conditional Use Permit for the establishment and operation of the Etna Brewery Tap House, with the seating capacity of up to 49 seats, to be located in an existing facility located at 231 W. Miner Street.

Background:

The subject property is zoned C-2 Downtown Commercial and is located within the Downtown Historic District. YMC Section 16.34.050 provides that various retail establishments and personal service establishments are a permitted by right in the C-2 Downtown zoning district. However, the use such as a Cocktail lounge, or restaurant, having a seating capacity of twenty-one (21) or more requires a Conditional Use Permit, pursuant to YMC Section 16.34.070.

YMC Title 17 “Historic District” provides regulations for property located within said district, with emphasis on the exterior appearance, and states in part “Permits are not required for alteration, rehabilitation, restoration or remodeling which does not alter any improvement, building, structure, landmark or landmark site as to its exterior appearance”. A Historic District permit will be required for the installation of the sign for the business, and for any proposed change to the exterior appearance. These permits can be administratively approved.

Parking:

The business will be located in an existing facility and can be served by existing municipal parking facilities.

Analysis:

The purpose of the Downtown Commercial (C-2) zoning district is ‘intended to provide for a specialized commercial zone for the downtown commercial district’ and provides for a variety of commercial uses (YMC Chapter 16.34). A Conditional Use Permit is required due to operation of a “Tap House” and the seating capacity component of the project (over twenty (20) seats). YMC Section 16.44.040, states that a conditional use permit can be granted by the Planning Commission if the use is found to not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood; if the use is found not to be materially detrimental to property or improvements in the neighborhood; and, if the use is found not to be materially detrimental to the general welfare of the city.

The proposal will not generate significant noise or lighting. The proposal will not increase traffic beyond the capacity of existing infrastructure in the area, which is sufficient to accommodate commercial uses. With the conditions of approval, attached as Attachment “C”, the Etna Brewery Tap House meets the intent of the C-2 zoning district.

Environmental Determination:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 exemptions consist of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency's determination.

The Planning Commission must consider the proposed CEQA exemption together with any comments received during the public review process. Further, the exemption can only be approved if the Commission finds, based on the whole record before it, that there is not substantial evidence that the project will have a significant effect on the environment.

Staff Recommendation:

Staff recommends that the Planning Commission utilize the following process for the consideration of this matter:

1. Accept a presentation of the project by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project by the Planning Commission; and
4. Motion and vote by the Planning Commission.

Recommended Motion:

If the Planning Commission determines that it intends to approve the proposed project as requested in the application for CUP #4214, staff presents the following motions for consideration

1. Categorical exemption:

I move that the Planning Commission determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities of the CEQA Guideline.

2. Conditional Use Permit #4214:

I move that the Planning Commission adopt Planning Commission Resolution #PC 2014-05 making the findings and subject to the Conditions of Approval presented as Attachment C, and approve Conditional Use Permit #4214, to allow the establishment and operation of the Etna Brewery Tap House.

- Attachments: Attachment A - Conditional Use Permit Application
Attachment B – Site Plan
Attachment C – Findings and Conditions of Approval for CUP #4214
Attachment D – Planning Commission Resolution # PC 2014-5

Approved by: _____



Steven Baker, City Manager

**CITY OF YREKA
PLANNING DEPARTMENT & HISTORIC DISTRICT APPLICATION**

CITY FEES:

- | | |
|---|--|
| <input type="checkbox"/> Annexation.....\$ 750.00 deposit/cost | <input type="checkbox"/> Lot Merger - Administrative approval.....\$ 200.00 |
| <input type="checkbox"/> Appeals - Planning Commission.....\$ 100.00 | <input type="checkbox"/> Lot Merger - P.C. approval\$ 250.00 |
| <input type="checkbox"/> Appeals - City Council.....\$ 150.00 plus publication | <input type="checkbox"/> Reversion to Acreage.....\$ 200.00 |
| <input type="checkbox"/> E.R. - Preliminary review.....\$ 25.00 | |
| <input type="checkbox"/> E.R. - Negative Declaration.....\$ 200.00 deposit/cost | <input type="checkbox"/> Use Permit - Administrative approvals.....\$ 75.00 |
| <input type="checkbox"/> E.R. - Mitigated Negative Declaration..... Actual cost | <input checked="" type="checkbox"/> Use Permit - P.C. approvals \$150.00 |
| <input type="checkbox"/> Environmental Impact Report..... Actual cost | |
| <input type="checkbox"/> General Plan Amendment.....\$ 750.00 deposit/cost | <input type="checkbox"/> Planned Unit Development\$ 750.00 deposit/ cost |
| <input checked="" type="checkbox"/> Public Hearing.....\$ 60.00 | <input type="checkbox"/> Variance.....\$250.00 deposit/cost |
| <input checked="" type="checkbox"/> P.H. - Project notice circulation, 1-20 notices.....\$ 25.00 | |
| <input type="checkbox"/> P.H. - 21 or more notices...\$25.00 plus 1.00/parcel over 20 | <input type="checkbox"/> Historic Exterior Alteration Permit (Drawing required) \$75.00 |
| <input type="checkbox"/> Rezone.....\$750.00 deposit/cost | <input type="checkbox"/> Historic District Paint Exterior (Paint color samples required).....N/C |
| <input type="checkbox"/> Site Plan Review - (No Use permit required)... \$100.00 deposit/cost | <input type="checkbox"/> Historic District Reroof (Roofing & color samples required).....N/C |
| | <input type="checkbox"/> Historic District Fence (Drawing & color samples required)..... N/C |
| <input type="checkbox"/> County Map Check - 4 or less lots \$300.00 + additional
as required by County | <input type="checkbox"/> Other..... |
| <input type="checkbox"/> County Map Check - 5 or more lots.....\$600.00 + additional
as required by County | STATE FISH AND WILDLIFE FEES*: |
| | <input type="checkbox"/> County Processing Fee\$ 50.00 |
| | <input type="checkbox"/> Fish and Wildlife fee \$ _____ |
| | <input type="checkbox"/> Other..... |

DATE: 5-25-2014

ASSESSOR'S PARCEL NUMBER: 054-041-360

APPLICANT: KIT MARSHALL TELEPHONE NUMBER: 626-831-4240

APPLICANT ADDRESS: PO Box 486 Yreka, CA 96027

IF OTHER THAN APPLICANT, NAME OF PROPERTY OWNER: YUKO PELUSO / PROPOSED LESSEE
JAMES PELUSO / KIT MARSHALL

PROPERTY OWNER ADDRESS: 2007 SAN YERS BAR RD. Yreka, CA 96027

PROJECT LOCATION: 231 W. MINER ST.

DESCRIPTION OF PROPOSED PROJECT: BEER PUB WITH CONVECTION OVEN
SMALL PLATES AND APPETIZERS

I agree to abide by all of the ordinances of the City of Yreka, state law, and federal law; and I authorize city representatives to enter upon the above mentioned property for inspection purposes, and to record any notice of code violation pursuant to Y.M.C. Ch. 11.40 and/or Ch. 16.08 with the office of the Siskiyou County Recorder.

I certify that I have read this application and state that the above information is correct. I agree to comply with any terms or conditions of any entitlement issued or permitted by the City pursuant to this application.

*In the event the project's effect on natural resources or wildlife is other than negligible, State Fish and Wildlife requires an additional fee of \$3,029.75 if an Environmental Impact Report is prepared or \$2,181.25 for a Negative Declaration. These fees are subject to change and the applicant is responsible for payment of the fees in full. If required, the permit cannot be issued until such time as the fee is paid. A project that is Statutorily or Categorically exempt requires no further fees.

APPLICANT SIGNATURE: [Signature]

PROPERTY OWNER'S SIGNATURE: (REQUIRED) JAMES PELUSO

*****TO BE COMPLETED BY CITY STAFF: Acknowledgement of application submittal
DATE APPLICATION RECEIVED AS COMPLETE: _____

ZONE: 02 GENERAL PLAN DESIGNATION: ND PERMIT NUMBER: 4214



P/(530) 467-5277 • F/(530) 467-3083
131 CALLAHAN STREET • ETNA, CA 96027

ETNABREW.NET

May 29, 2014

City of Yreka

Planning Department

701 Fourth Street

Yreka, CA 96097

Dear Planning Commission,

Please review the enclosed application package to open ***The Etna Brewery Tap House*** at 231 W. Miner Street. I am the owner of the original Etna Brewery in Etna, CA. The Etna Brewery is a Federal and ABC approved Brew Pub that manufactures several beer types, including root beer, and popular and healthy food. The Etna Brewery is a destination for a broad demographic, including cyclists, bikers, hikers, campers, farmers, ranchers, and families. The Etna Brewery has a rich history with roots going back to its founding in Etna Mills in 1872. Further, Emil Kappler, the son of founder Charles Kappler, established perhaps one of the first Tap Houses, certainly in the West, on the corner of Miner and First Street in Yreka. The Kappler Saloon also was on the corner of Miner and Broadway. Many Yrekans as well as tourists to the area would be thrilled to have ***The Etna Brewery Tap House*** return to Old Town Yreka. The look and feel of ***The Etna Brewery Tap House*** will take advantage of the rich history and contribution of the original Etna Brewery, its site on Miner Street, and the growing momentum of a “new-old” Yreka.

The ***Etna Brewery Tap House*** will be open six days per week, Tuesday through Sunday, with some variation in hours depending on the season – closing earlier in winter and staying open a little longer during the summer months. Generally, the Tap House will open at 11:30 AM and will close by 9:00 PM six days per week. Occasional Saturday night entertainment will be provided by one of the many popular local groups that have entertained at the current Etna Brewery in Etna and throughout the County. On music nights the Tap House may be open until approximately 10:00-11:00 PM.

KIT MARSHALL

PRESIDENT/CEO

M/(626) 831-4240

ETNABREW@GMAIL.COM

Personnel will include a combination of current Etna Brewery employees who have the management experience required of ***The Etna Brewery Tap House*** and new employees who will be hired and specifically sought from current Yreka residents. Total personnel will range from 3-8, both part and full-time, depending on success.

Seating will not exceed 49 at any time and traffic generation will be small to negligible. In turn, the townspeople will be provided with award-winning beer and healthy, light, and small food offerings not currently available in the area. Based on anecdotal discussions with many of the local business people and area residents, ***The Etna Brewery Tap House*** will bring more people downtown and should benefit retail shopping and a sight-seeing public.

The proposed size of the space will be 55' X 22' with 10-4 person tables and 9 seats at the bar to total 49 seats. A small preparation area for snacks and convection oven including small plates and containers will be built at the south end of the room, with kegs and taps kept under a counter along the east wall back bar. Lighting will be track lighting and indirect lighting to highlight the memorabilia and historic pictures of the original Etna Brewery and early nineteen hundred Yreka Tap Room. An "accessible" gender-neutral bathroom will be at the south end of the space. Storage and refrigeration will be built at the far south end of the building, out of the way of the customers but easily accessed by staff (enclosed photographs and drawings).

The enthusiasm generated amongst current "regulars" of Etna Brewery and those who live in Yreka and have expressed high interest in having access to the craft beers and foods served in Etna makes for a synergy that I am sure will result in a win-win for the residents and guests of Yreka. If the Planning Commission of Yreka will approve this application for a Use Permit, I will do my part to support economic growth in the area to the degree I can as a community contributor and entrepreneur living in Siskiyou County.

Thank you for your kind consideration.

Sincerely,



Kit Marshall

Owner-Operator

Etna Brewing Co.



Charles Francis Kappler was born at Niederhashach, in Alsace, France on March 4, 1834, and emigrated to Yreka in 1860. He became a citizen on October 27, 1864, and in 1865, returned to France to marry Florentine Kriner. The couple returned to Yreka in December 1867.

In 1868, Charles bought the brewery of the late A. P. Hartstrand, located on the Hartstrand Ranch 3 miles east of Etna. Four of the couple's eight children were born there, including Flora (Piscantor), Emil, Charles, and Louis.

In 1872, the family moved to Etna. A fire burned the brewery in 1875, and since it had to be rebuilt, they also enlarged and modernized it. Four more children were born here: Victor, Joe, Eugenia (Haines) and Amelia (Boothby/Walker).

In 1895, Charles built a three-story home on Main Street, probably the finest large home in Etna. The family moved in in November of 1895. Catholic services were held in the home and for a time it functioned as a school. Charles also constructed the first ice plant in Scott Valley and provided the first electric lights to Etna, in 1898. From a power plant on Johnson Creek, Kappler supplied power to the brewery and kept fans going to cool the ice house and brewery. It's been estimated that Etna produced 30,000 gallons of beer each year.

Four and six-horse teams hauled Etna Beer up to Oregon and around northern California. Ten to fifteen gallon kegs were shipped by mule train over to Salmon River and Trinity County. The teams were housed on Kappler property, while hops and barley were grown on the Holzhauser ranch. Pickers were hired and hauled out to the ranch each fall. Many of those employed by Kappler were also housed in the Kappler home.

Flora, the eldest of the Kappler children, was married in the family's luxurious home in July 1896, to Henry Piscantor, a tinsmith, from Fort Jones. Meanwhile, Louis Kappler was sent to Chicago in 1903 to study the art of brewing. Later Louis moved to Sacramento. Charles moved to Montague. Emil moved to Yreka, as did Amelia. Victor, Joseph, and Eugenia remained in Etna.

From the marriage of Flora and Henry Piscantor, came a son and daughter; daughter Marie married John T. ("Jack") Jenner, Sr., a local rancher whose father, Frank Jenner, had emigrated from England to work, first as a miller, and then as a rancher. Jack's sister Gladys ("Toots") married Nerva M. Hayden, another local rancher.

Although the Kappler family was large, the only local descendants of Charles and Florentine are the Jenner and Hayden grandchildren and great grandchildren. Branches of both families have continued to ranch and farm in Scott Valley, while others entered other businesses or moved away. Jenner Family Beef is the most recent enterprise being celebrated locally – even as a featured item on the Etna Brewery's Pub special menu.

Etna Brewery lasted fifty years, even winning first place at the 1915 Panama Exposition in San Francisco. Unfortunately, when the Volstead Act (Prohibition Act of 1919) was passed, the brewery was put out of business. And though the Eighteenth Amendment was overturned in 1933, it was too late for the Kappler family to recover its earlier success.

It was in 1990, when Andrew Hurlimann, stepson of John T. ("Jack") Jenner, Jr., that the Etna Brewing Company was reborn – even resettling on the site of the original bottling works and incorporating the Kappler's unique label into their labelling. Today Etna Beer is considered the "official beer of the State of Jefferson."



BATHROOM

THE ETNA BREWERY

TAP HOUSE

PREP AREA

EMERGENCY
EXIT

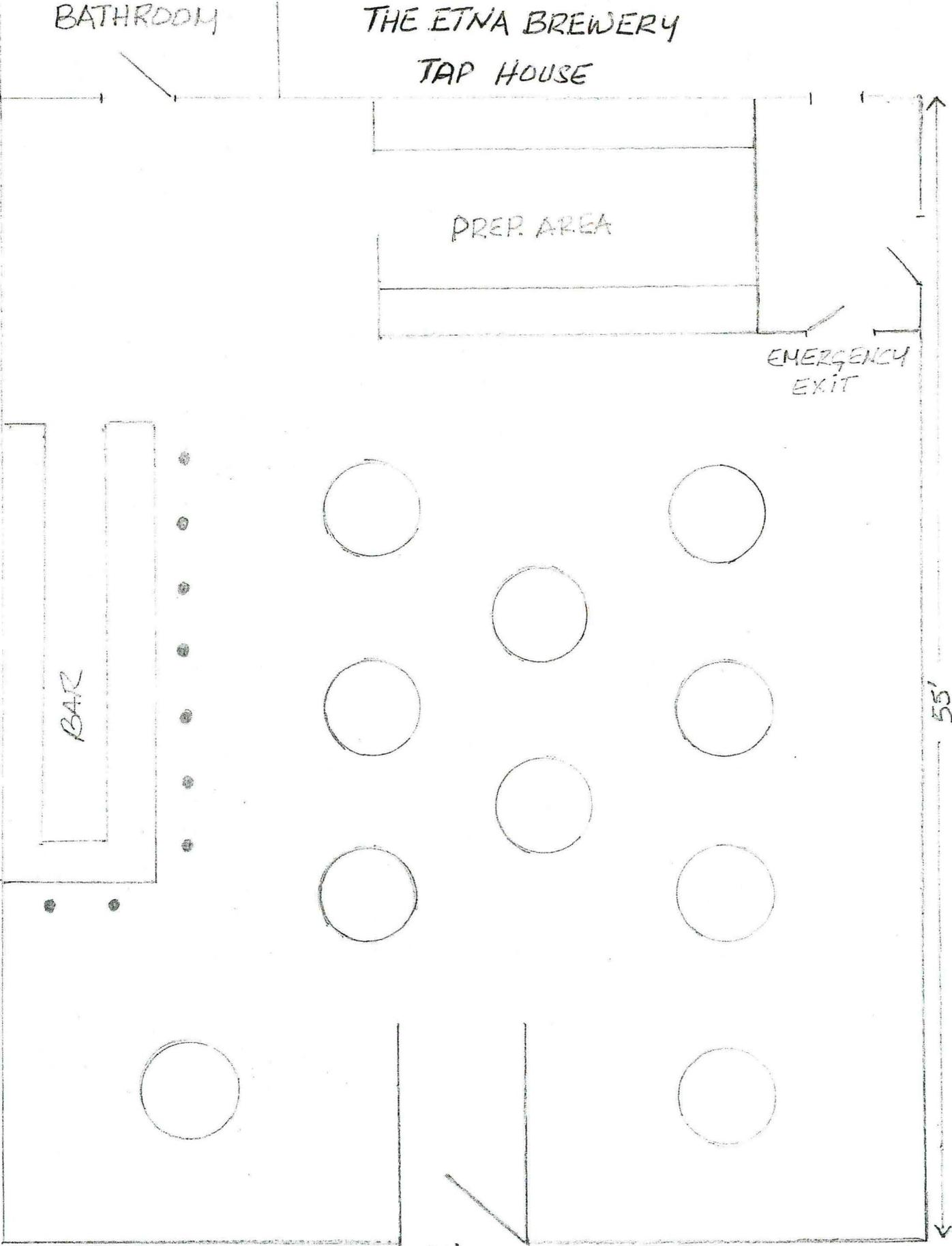
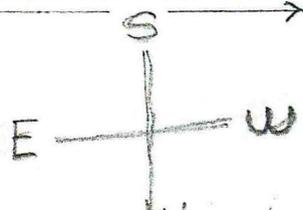
BAR

3RD ST

22'

55'

MINER ST



CITY OF YREKA
CONDITIONAL USE PERMIT NO. # 4214
FINDINGS AND CONDITIONS OF APPROVAL

The following findings of fact have been determined by the Planning Department for the establishment and operation of the business of The Etna Brewery Tap House located at 231 W. Miner Street. APN: 054-041-360:

Findings of Approval:

1. The proposal will not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use.

The proposal to establish and operate The Etna Brewery Tap House would not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. Subject to the issuance of a Conditional Use Permit by the Planning Commission and subject to the Conditions of Approval, use of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

2. The proposal will not be materially detrimental to property or improvements in the neighborhood.

The proposal will not be materially detrimental to property or improvements in the neighborhood. Conditions of Approval will provide for commercial use compatibility between the proposed commercial use and the existing commercial neighborhood and adjacent streets.

3. The proposal will not be materially detrimental to the general welfare of the city.

The use is compatible with the policies and objectives of the zoning ordinance for a C2, Commercial Downtown zone which allows The Etna Brewery Tap House upon approval and validation of a conditional use permit as set forth in Section 16.34.070 (D) of the Yreka Municipal Code. This commercial business keeps with the character of the surrounding area, and is found to be consistent with the General Plan. The proposal will not generate significant noise or lighting. The proposal will not increase traffic beyond the capacity of existing infrastructure in an area which is sufficient to accommodate commercial uses.

4. The Planning Commission has determined that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15301 Existing Facilities of the CEQA Guidelines.

The following conditions shall be complied with at all times while the use permitted by this permit occupies the premises:

1. Permittee granted a permit to establish and operate The Etna Brewery Tap House with a seating capacity of 49 at the location set forth in the application, subject to full compliance with applicable city and state codes. **The premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the permittee.**
2. The business will be located in an existing facility in the C2 (Downtown Commercial) zone and can be served by existing municipal parking facilities.
3. Use shall be conducted in accordance with the application as submitted for the property located at 231 W. Miner Street, as approved by the Planning Commission on June 18, 2014.
4. Permittee shall comply at all times with the zoning district regulations for a C2, *Commercial Downtown* zone, as set forth in section 16.34 of the Yreka Municipal Code. HD (Historic Downtown) General Plan designation.
5. Permittee shall obtain a building permit and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure.
6. Permittee shall install a grease interceptor in accordance with the California Plumbing Code and shall comply at all times with the requirements for the Fats, Oils and Grease (FOG) Source Control Program.
7. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that the structure meets the building standards and fire regulations of the California Building Code, California Fire Codes and the California Historical Building Code standards prior to commercial use.
8. No signs shall be placed on the premises without first obtaining a sign permit.
9. Permittee shall maintain an annual City business license to carry on the business of The Etna Brewery Tap House.
10. The use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.

Date: June 18, 2014

CITY OF YREKA
PLANNING COMMISSION RESOLUTION PC 2014-05
APPROVING CONDITIONAL USE PERMIT # 4214
AT 231 W. MINER STREET, APN: 054-041-360
APPLICANT: Kit Marshall

WHEREAS, Kit Marshall (applicant) has requested a Conditional Use Permit for the establishment and operation of the Etna Brewery Tap House to be located at 231 W. Miner Street, APN 054-041-360; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on June 18, 2014; and

WHEREAS, the Planning Commission has determined that, subject to approval of the Conditional Use Permit and the project Conditions of Approval, the request is consistent with the Yreka General Plan and the standards of Yreka Municipal Code; and

WHEREAS, the Planning finds that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 exemptions consist of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency's determination; and

WHEREAS, the Planning Commission has made the following findings with respect to the requested Conditional Use Permit:

1. The proposal will not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use.
2. The proposal will not be materially detrimental to property or improvements in the neighborhood.
3. The proposal will not be materially detrimental to the general welfare of the city.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Yreka does hereby approve Conditional Use Permit #4214, subject to the following conditions:

General Conditions of Approval:

1. Permittee granted a permit to establish and operate the business of The Etna Brewery Tap House located at 231 W. Miner Street, APN: 054-041-360.

2. The business will be located in an existing facility in the C2 (Downtown Commercial) zone and can be served by existing municipal parking facilities.
3. Use shall be conducted in accordance with the application as submitted for the property located at 231 W. Miner Street, as approved by the Planning Commission on June 18, 2014.
4. Permittee shall comply at all times with the zoning district regulations for a C2, *Commercial Downtown* zone, as set forth in section 16.34 of the Yreka Municipal Code. HD (Historic District) General Plan designation.
5. Permittee shall obtain a building permit and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure.
6. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that the structure meets the building standards and fire regulations of the California Building Code, California Fire Codes and the California Historical Building Code standards prior to commercial use.
7. No signs shall be placed on the premises without first obtaining a sign permit.
8. Permittee shall maintain an annual City business license to carry on the business of the Etna Brewery Tap House.
9. The use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.

The foregoing Resolution was adopted by the Planning Commission on the 18th day of June, 2014 by the following vote:

Ayes:

Nays:

Absent:

Matt Osborn, Chair

Attest:

Liz Casson, City Clerk

16.34.050 Permitted Uses.

The following uses are permitted in the C-2 Zone District subject to issuance of a building permit, business license or other required permit(s):

- A. Retail business establishments within a building with sales of the following, or activities listed:
1. Antiques;
 2. Apparel;
 3. Appliances;
 4. Art supplies (including galleries and studios);
 5. Auto supply stores (retail);
 6. Bakery;
 7. Bicycle (sales and service);
 8. Books;
 9. Camera and photographic supplies;
 10. Candy and confections;
 11. Convenience store;
 12. Computers and software;
 13. Crafts;
 14. Christmas trees;
 15. Draperies;
 16. Drugs;
 17. Electric supplies;
 18. Flea market;
 19. Flowers;
 20. Floor coverings;
 21. Furniture;
 22. General merchandise;
 23. Garden supplies;
 24. Gifts;
 25. Guns;
 26. Hardware;
 27. Health foods;
 28. Jewelry;
 29. Liquor;
 30. Locksmiths;
 31. Medical equipment and supplies;
 32. Millinery;
 33. Music;
 34. Novelties;
 35. Office supply;
 36. Paint;

- 28. Radio and television sales and repair;
- 29. Repair shops (non-automotive);
- 30. Shoe and other small item and apparel repair;
- 31. Social service offices;
- 32. Travel agencies;
- 33. Upholstery.

(Ord. 775 (part), 2004).

(Ord. No. 817, § 3, 10-6-2011)

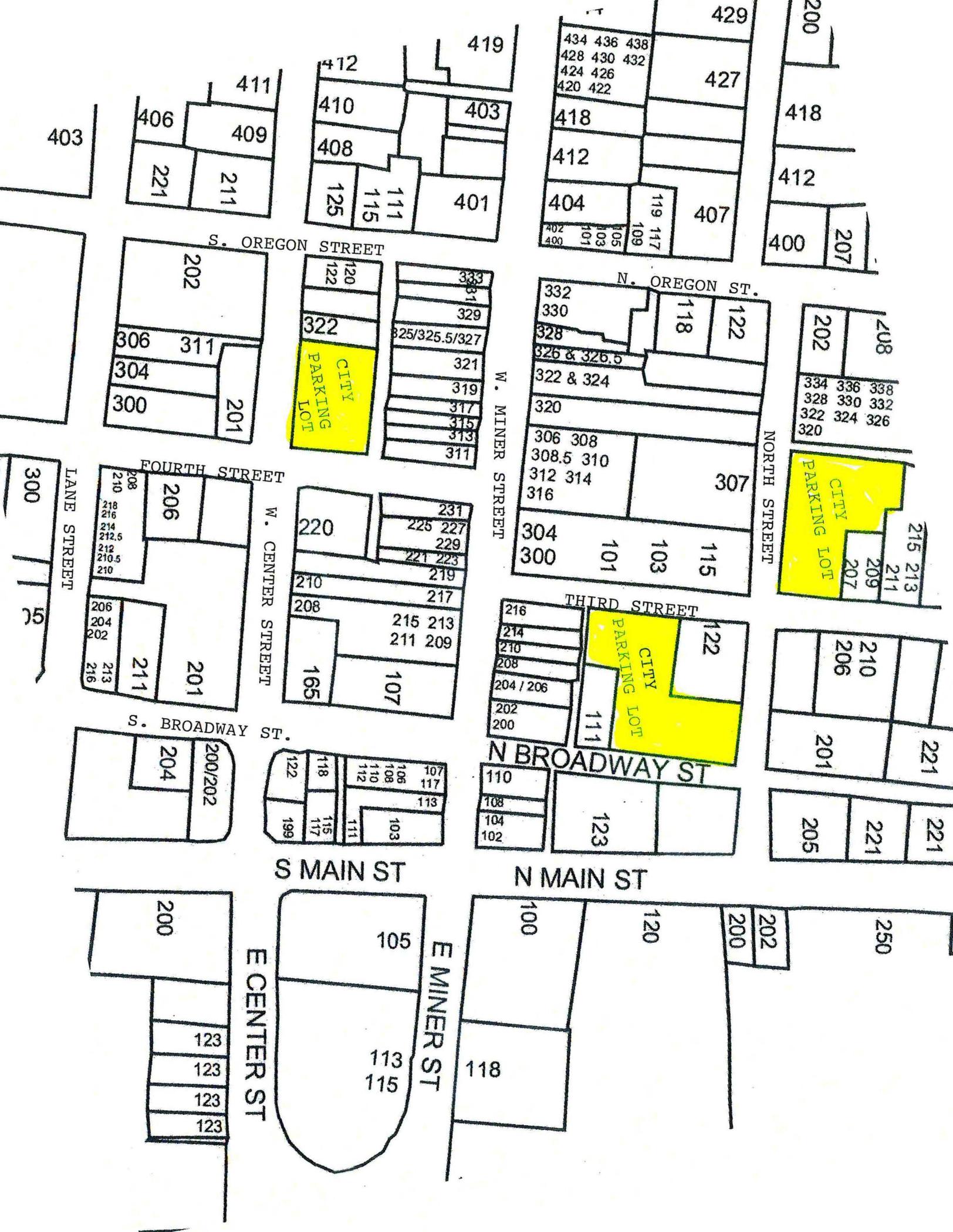
16.34.070 Conditional Uses.

The following uses are permitted in the C-2 Zone District upon approval and validation of a conditional use permit, in addition to any other permits or licenses required for the use:

- A. Alternative parking arrangement for residential/commercial use mix.
- B. Bus depots, dance and aerobic studios and pool halls.
- C. Churches, parks, playgrounds, public buildings, schools, clubs and lodges.
- D. Cocktail lounges and nightclubs.
- E. Farmers' market.
- F. Microbreweries.
- G. Professional offices not designated in 16.12.710 such as: doctor, dentist, chiropractor, beauty parlor and similar uses.
- H. Nurseries.
- I. Residential uses.
- J. Restaurants, delicatessens and snack bars having a seating capacity of twenty-one (21) or more.
- K. Parking lots, mortuaries and museums.
- L. Public and Quasi Public Facilities:
 - 1. Fire, police or sheriff substation.
 - 2. Parks, picnic areas and playgrounds not associated with approved development.
- M. Service stations, second hand stores, supermarkets (food retail).
- N. Motels and hotels.
- O. Theaters.
- P. Veterinary offices with overnight boarding and hospitalization.
- Q. Schools, public or private.
- R. Health club.
- S. Residential conversion to commercial or professional offices.
- T. Living quarters included in any commercial building or use.
- U. Ambulance services.
- V. Barber and beauty shops with four (4) or more operators.
- W. Drive in food or beverage.

(Ord. 775 (part), 2004).

(Ord. No. 817, § 3, 10-6-2011)



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119 117
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407

200
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207

S. OREGON STREET

202
306
311
304
300
201

120
122
322
CITY PARKING LOT
333
329
325/325.5/327
321
319
317
315
313
311

W. MINER STREET

N. OREGON ST.
332
330
328
326 & 326.5
322 & 324
320
306 308
308.5 310
312 314
316
307
304
300
101
103
115

202
408
334 336 338
328 330 332
322 324 326
320
CITY PARKING LOT
215 213
211
209
207

NORTH STREET

FOURTH STREET

300
LANE STREET
208
210
218
216
214
212.5
212
210.5
210
206
204
202
213
216
201
211

W. CENTER STREET

220
231
225 227
229
221 223
219
217
215 213
211 209
107
165

THIRD STREET

216
214
210
208
204 / 206
202
200
111
CITY PARKING LOT
122

210
206
201
221

S. BROADWAY ST.

204
200/202

122
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199

N BROADWAY ST

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123

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221
221

S MAIN ST

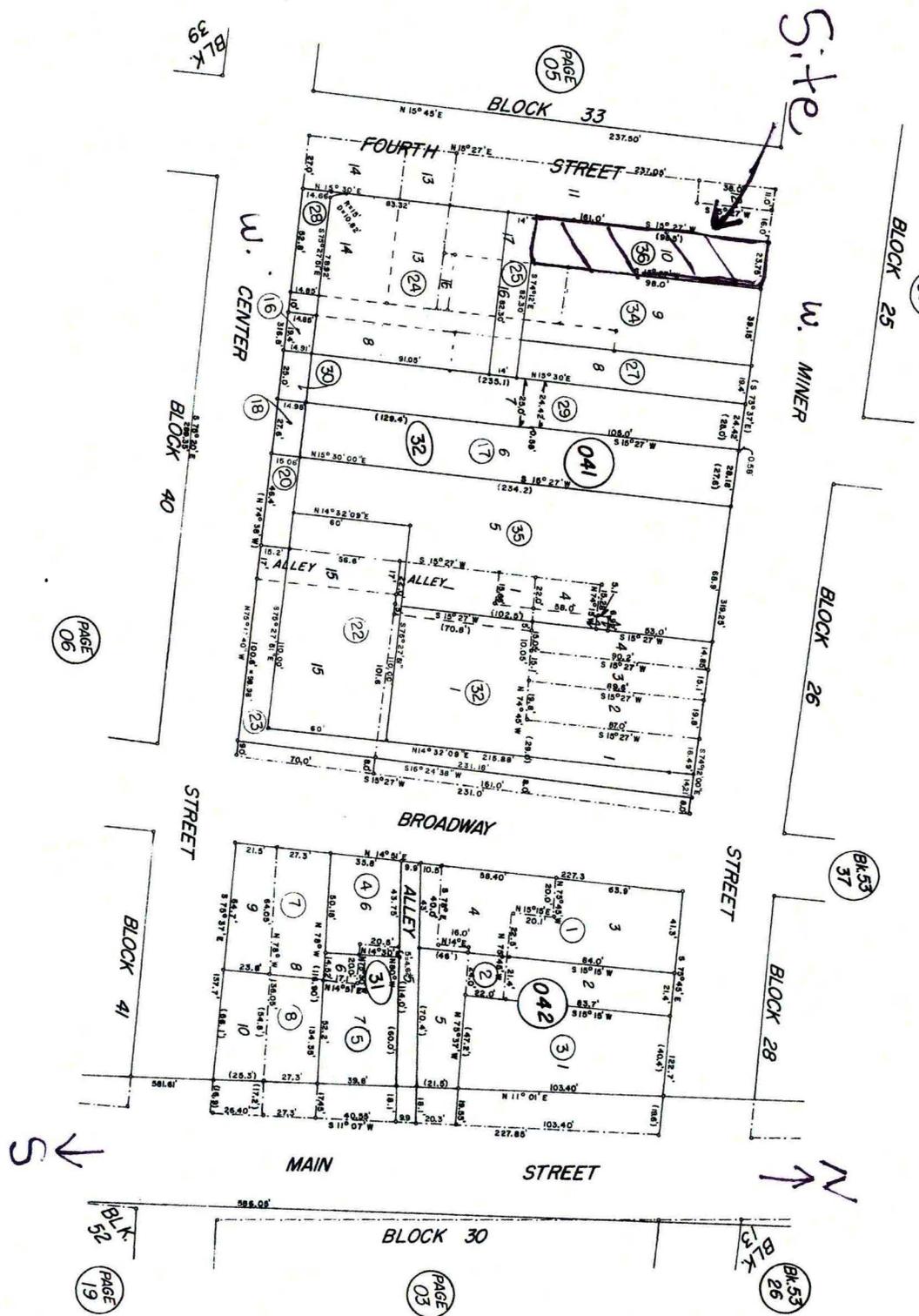
E CENTER ST

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E MINER ST

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Site

Block's 31 & 32
Yreka, California

Tax Area Code
7-00



S

N

STREET

MAIN

BLOCK 30

BLOCK 33

PAGE 05

BLOCK 25

BK 53 36

W. MINER

BLOCK 26

BK 53 37

BLOCK 28

BK 53 26

BLOCK 40

PAGE 06

BLOCK 41

PAGE 19

BLK 52

BLK 39

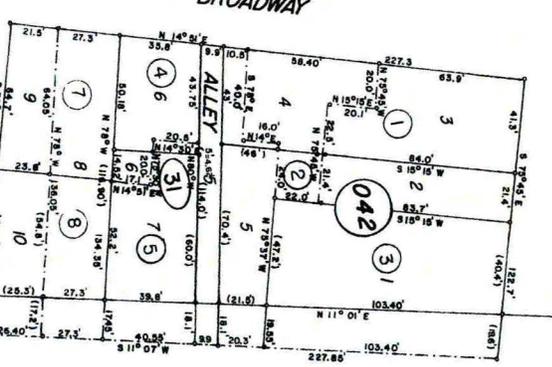
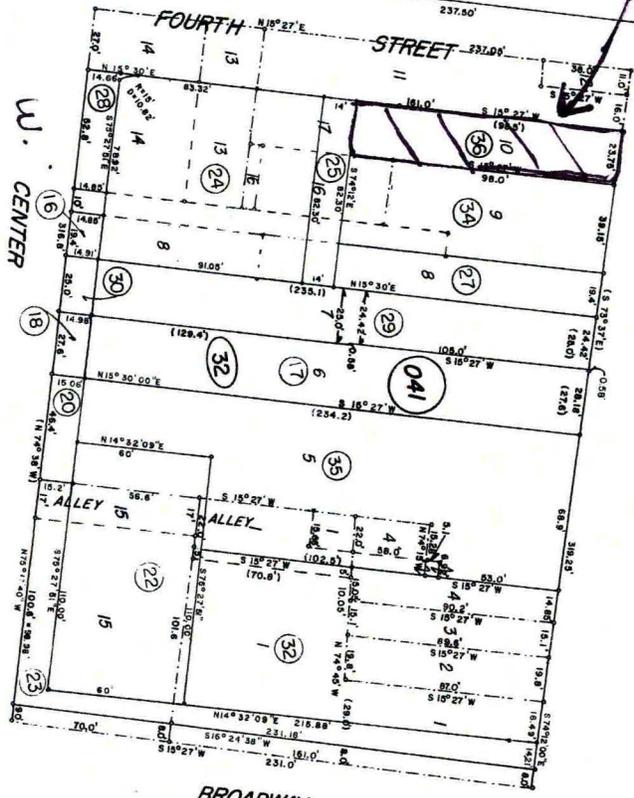
W. CENTER

FOURTH STREET

BROADWAY

STREET

STREET





City of Yreka

701 Fourth Street • Yreka, CA 96097
(530) 841-2386 • FAX (530) 842-4836



June 4, 2014

Dear Property Owner/Property Occupant:

This is to notify you that property located within 300 feet of your parcel is being considered for a Use Permit as described below. State and City Code requires that you be notified of the time and place of the hearing on the application so you may attend the meeting and be heard on the matter should you so desire. The meeting date and time are listed in the public hearing notice as it appears below:

NOTICE OF PUBLIC HEARING

The Yreka City Planning Commission will hold a public hearing at 6:30 p.m., Wednesday, June 18, 2014 in the Council Chambers, 701 Fourth Street, Yreka, California, on the following proposed project:

CONDITIONAL USE PERMIT

An application for a Conditional Use Permit to establish and operate the business of The Etna Brewery Tap House on the property located at 231 W. Miner Street. Assessor Parcel Number 054-041-360, C2 (Commercial Downtown) Zone & HD (Historic Downtown) General Plan designation. Application submitted by Kit Marshall.

This project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15301 Existing Facilities of the CEQA Guidelines.

The application is on file in City Hall for public review. All interested persons are invited to attend the meeting and to participate in the public hearing or deliver written comments regarding the proposed projects on or before **4 p.m. on Wednesday June 18, 2014**, to the following address:

YREKA PLANNING DEPARTMENT, 701 Fourth Street, Yreka, CA 96097.

If you challenge any action taken pursuant to the California Environmental Quality Act, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Department at, or prior to, the public hearing. (Public Resources Code Section 21177)

Liz Casson,
City Clerk