

MINUTES OF THE SPECIAL MEETING OF THE
YREKA PLANNING COMMISSION HELD
ON THE 26TH DAY OF MAY, 2016

On the 26^h day of May, 2016 at 6:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said City in special session. The meeting was called to order by Chair Osborn and present were:

Commissioners: Duane Kegg, Diane Knitter, Paul McCoy, Steve Leal, Barry Ohlund, Matt Osborn and Richard Rolzinski.

PUBLIC COMMENTS – None

Discussion/Possible Action – Consideration of proposed Conditional Use Permit # 4265 and Initial Study/Mitigated Negative Declaration (IS/MND) # 2016-30 for the construction, establishment and operation of a concrete batch plant, complete with a small portable office trailer, aggregate storage area, truck and auto parking, precast concrete area, and concrete truck washout basin on an existing site zoned M-2 . Property Location – 319 S. Phillippe Lane.

The Planning Commission reviewed Resolution No. PC 2016-10 Consideration of a request for the approval of a Conditional Use Permit to allow for the construction of a concrete batch plant, complete with a small portable office trailer, aggregate storage area, truck and auto parking, precast concrete area, and concrete truck washout basin on an existing site. Property Location – 319 S. Phillippe Lane, Yreka, California. M2 (Heavy Industrial) Zone & I (Industrial) General Plan Designation. Assessor's Parcel Number 053-681-240.

Scott Friend, AICP, Contract Planner - Michael Baker International, presented commissioners with a PowerPoint presentation, staff report and the following background. The City has received a Conditional Use Permit (CUP) application from Sousa Ready Mix, LLC to construct and operate a new concrete batch plant operation on approximately 4.26 acres at 319 South Phillippe Lane. A CUP 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, heat, fire hazard, traffic, vibration, storage or handling of explosives or other dangerous material, or other nuisance factors (YMC 16.42.070).

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on May 6, 2016 and a Notice of Public Hearing was published in the Siskiyou Daily News on May 6, 2016.

A Mitigated Negative Declaration has been prepared for this project with the requirements of the California Environmental Quality Act (CEQA). The initial study indicates that there is no substantial evidence that the project will have a significant effect on the environment if the mitigation measures are adopted and implemented.

City staff is recommending approval of the Mitigated Negative Declaration for the project. Staff also recommends that the Commission grant approval of the Conditional Use Permit through adoption of Planning Commission Resolution #2016-10 for Conditional Use Permit # 4265 subject

to the Findings and Conditions of Approval permitting the construction and operation of a new concrete batch plant.

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

Greg Juell representative for Sousa Ready Mix, LLC along with Keith Hamblin representative for Land Designer Inc., were present to answer commissioners questions.

Written correspondence received - Letter of support of the project from Joe & Kim Foster.

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

Following Commission discussion, Commissioner Ohlund moved to determine that the contents of the Mitigated Negative Declaration #2016-30 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 for approving the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the project.

The following findings of fact have been determined by the Planning Department, based upon the facts set forth in the City of Yreka Environmental Initial Study for the Sousa Ready Mix, LLC. Concrete Batch Plant Project Mitigated Negative Declaration:

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 Duane seconded the motion, and upon roll call, the following voted YEA: Kegg, Knitter, Leal, McCoy, Ohlund, Osborn and Rolzinski.

Chair Osborn thereupon declared the motion carried.

Commissioner McCoy moved to adopt Planning Commission Resolution #PC 2016-10 making the findings and subject to the Conditions of Approval and approve Conditional Use Permit # 4265, to allow for the operation of a new concrete batch plant.

The following findings of fact have been determined by the Planning Department for the construction and operation of a concrete batch plant on approximately 4.26 acres located at 319 South Phillipe Lane, APN: 053-681-240:

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 concrete batch plant 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 operate on a 24-hour per day basis, 7-days per week basis. As discussed in Section 4.12 the Initial Study/Mitigated Negative Declaration (IS/MND), the project would not produce noise in the long term 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 2,400 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 used sporadically for at least the last 10 years. Conditions of Approval will provide for land use compatibility through landscaping, lighting and noise restrictions, 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 batch plant 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 IS/MND, 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 Sousa Ready Mix, LLC. concrete batch plant including installing a ±400 square foot portable office trailer, a 450 square foot plant building, a 336 square foot aggregate bin building, a 10 foot diameter 50 foot high silo building, a wash rack, a concrete washout, three 66 foot by 66 foot aggregate sales bins and future 2,400 shop building and a future 10 foot diameter 50 foot high silo building on a project site of approximately 4.26 acres at 319 South Phillippe Lane, APN: 053-681-240. **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. As submitted, the project requires five (5) off-street parking 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 319 South Phillippe Lane, as approved by the Planning Commission on (May 26, 2016), 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. Prior to building permit issuance, 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 obtain approval through the Department of Public Works for all required frontage improvements including sidewalks and driveway approach prior to construction or any on-site grading.
10. Permittee shall submit a grading plan for review and approval by the Building Official prior to construction or any on-site grading.
11. 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.
12. 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.
13. 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.
14. 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.
15. Prior to occupancy, the proposed landscape plan shall be revised, submitted and approved by the City Manager per Section 16.52.030 of the Yreka Municipal Code. The revised landscaping plan shall include, at least, an additional 52.3 feet of landscaped area for a total landscaped area of at least 3,711.3 square feet, as required by YMC Section 16.52.030(C). The following total landscape area is required by YMC Section 16.52.030(C):
 - C. On projects not requiring parking lot landscaping there shall be planted trees, shrubs and/or ground covers, as provided in subsection (A) in an area of not less than two percent (2%) of the total lot area.
16. The installation and maintenance of the landscaping shall be per the revised 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 7:00am to 5:00pm; 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 8:00am to 5:00pm on Sundays; and, hours of operation are limited to daytime hours only, including materials transport activities.
18. Permittee shall secure an annual City business license to carry on the business of a concrete batch plant.
19. Permittee shall obtain a batch plant permit from the Siskiyou County Air Pollution Control District, as required.
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, measures shall include, but are not limited to, the following:

Use regular watering to control dust generation as described below.

- a. When transporting soil and other dust-generating materials by truck during construction activities, cover materials and/or maintain 2 feet of freeboard.
 - b. Wash or wet-sweep paved streets adjacent to construction sites as necessary to remove accumulated dust.
 - c. During earth-moving operations, conduct watering as necessary to prevent visible emissions from extending beyond active areas.
 - d. 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.
 - e. Pave, maintain a wet surface, or apply dust suppressants on all unpaved access roads, parking areas, and staging areas.
 - f. Suspend land clearing, grading, earth-moving, or excavation activities when winds exceed 20 miles per hour.
 - g. Cover inactive storage piles of topsoil or landscape materials.
 - h. 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.
 - i. No temporary asphalt or concrete batch plants will be allowed to operate on-site.
 - j. Construction staging areas should be located at a distance that would reduce odors and dust emissions from existing schools and residential areas.
25. In accordance with State law, the project shall be responsible for the cost of cleaning any spillage or the repair of damage to any State maintained roads or structures caused by hauling activities associated with the batch plant operations.
26. 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.

27. 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.
28. 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.
29. The applicant shall prepare and submit a hazardous materials business/hazardous waste release response plan for the site to include hazardous materials and hazardous waste handling and storage. The plan shall be submitted to the Siskiyou County Environmental Health Division for review.

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

The foregoing Resolution # 2016-10 was adopted by the Planning Commission on the 26th day of May by the following vote: Ayes: 7, Nays: 0.

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



Matt Osborn, Chair

Approved by motion of the Planning
Commission on November 16, 2016