

AGENDA
YREKA PLANNING COMMISSION
Yreka City Council Chamber – 701 Fourth Street, Yreka, Ca.
February 17, 2016 at 6:30 P.M.

Call to Order

Pledge of allegiance

Conflict of Interest Declaration – Planning Commissioners

PUBLIC COMMENTS: This is the time for public comments. Commissioners may ask questions but may take no action during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda. If you are here to make comments on a specific agenda item, please speak at that time. If not, this is the time. Please limit your remarks to 5 minutes.

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 item:

- a. Approval of Minutes of the meeting held January 20, 2016.
- b. Approval of an application for a permit to discharge firearms under Section 9.06.040 of the Yreka Municipal Code. Applicant, Joseph Allison, Event Coordinator, Reenactors of the American Civil War, Inc. Date May 20-22, 2016.
Location – South of Westside Road.

2. Discussion/Possible Action - Consideration of proposed categorical exemption and Conditional Use Permit for the construction, establishment and operation of a fuel storage yard facility with two 30,000-gallon bulk propane storage tanks.
Property Location – 1420 Mill Road, Yreka, California,
M-1 (Light Industrial) Zone & GC (General Commercial) General Plan Designation.
Assessor's Parcel Number 062-051-500.

Project applicant is Campora Propane

Project Number: Conditional Use Permit # 2016-09

- a. Staff Report
- b. Public Hearing
- c. Decision
 - Categorical Exemption
 - Adopt Planning Commission Resolution No. 2016-06 Approval of Conditional Use Permit #2016-09 at 1420 Mill Road (062-051-500).

3. Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit to establish and operate a mobile drive thru coffee kiosk.
Property Location – 215 Montague Road, Yreka, California,
CT (Commercial Tourist) Zone & GC (General Commercial) General Plan Designation.
Assessor’s Parcel Number 053-642-110.

Project applicant is John Nixon for Humbug Joe, LLC
Project Number: Conditional Use Permit # 2016-12

- a. Staff Report
- b. Public Hearing
- c. Decision
 - Categorical Exemption
 - Adopt Planning Commission Resolution No. 2016-07 Approval of Conditional Use Permit # 2016-12 at 215 Montague Road (053-642-110).

4. Continued from January 20, 2016 meeting
Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit for the establishment and operation of an outside mobile food cart and seating in conjunction with the restaurant known as Serrano’s Mexican Grill.
Property Location – 1009 S. Main Street, Yreka, California,
CH (Commercial Highway) Zone & GC (General Commercial) General Plan Designation.
Assessor’s Parcel Number 061-282-020.

Project applicant is Paula Rodriguez
Project Number: Conditional Use Permit # 2016-1

- a. Staff Report
- b. Decision
 - Categorical Exemption
 - Adopt Planning Commission Resolution No. 2016-1 Approval of Conditional Use Permit # 2016-1 at 1009 S. Main Street (061-282-020).

City Manager Report

Commissioner’s Statements and Comments

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.

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council/Planning Commission to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD
ON THE 20th OF JANUARY 2016

On the 20th of January 2016 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 Vice Chair McCoy and present were:

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

Conflict of Interest Declaration – Commissioner Diane Knitter declared a conflict of interest on Item 3, CUP for construction of a 30' x 30' accessory structure and Item 4, CUP for the establishment of a Microbrewery. Commissioner Duane Kegg declared a conflict of interest on Item 5, CUP for residential use in conjunction with the establishment and operation of a storage yard business.

PUBLIC COMMENTS:

Consent Calendar – Vice Chair McCoy 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 December 16, 2015.

Following Commission discussion, Commissioner Knitter moved to approve the minutes of the regular meeting held December 16, 2015 as submitted.

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

Vice Chair McCoy thereupon declared the motion carried.

Vice Chair McCoy announced to move the Item # 1 of the agenda to the end of the agenda to give applicant Paula Rodriguez time to be present. Letter was received from neighboring property owner regarding parking issues on proposed project site.

Discussion/Possible Action – Consideration of proposed Categorical Exemption and Conditional Use Permit for construction of a 30 Ft. x 30 ft. (900 sq. ft.) accessory structure as a garage/storage building. Location – 349 N. Oregon Street, Assessor's Parcel Number 053-191-100.

Planning Commissioner Knitter announced her recusal for the above project along with the next Item # 4 on the agenda, stating that she had a conflict of interest by reason of property ownership within 500 foot of the proposed projects, and therefore recused herself and left the Council Chambers.

The Planning Commission reviewed Resolution No. PC 2016-2 Consideration of proposed Categorical Exemption and Conditional Use Permit for construction of a 30 ft. x 30 ft. (900 sq. ft.) accessory structure as a garage/storage building. Location – 349 N. Oregon Street, R1 (Single-Family

Residential) Zone & LDR (Low Density Residential) General Plan Designation. Assessor's Parcel Number 053-191-100.

Assistant City Manager Liz Casson presented commissioners with staff report and the following background. The City has received an application for a Conditional Use Permit for the construction of an accessory building 30 ft. x30 ft. (900 sq. ft. total) located at 349 N. Oregon St. The subject property is zoned R-1 (Single Family Residential). The Single Family Residential Zone district is intended to provide areas for conventional single-family homes, and accessory structures not exceeding six hundred and fifty (650) sq. ft. are permitted by right. Yreka Municipal Code Section 16.18.070 E. provides that garages and accessory structures larger than six hundred fifty square feet of floor area require a Conditional Use Permit.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on January 6, 2016 and a Notice of Public Hearing was published in the Siskiyou Daily News on January 8, 2016.

City staff recommends approval subject to the proposed findings and conditions of approval, which includes a determination that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (E) Accessory (appurtenant) structures including carports, patios, swimming pools, and fences of the CEQA Guidelines.

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

Applicants Charles & Jennifer Picklesimer was present to answer commissioners questions along with Contractor Ron Bear.

Bob Talley – Property owner of 410 Pine Street, inquired that the proposed structure will meet city set back requirements.

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

Following Commission discussion, Commissioner Leal moved to make the finding that the proposed project is exempt from an environmental review pursuant to California Environmental Quality Act (CEQA) Section 15303 (E), of the CEQA Guidelines.

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

Vice Chair McCoy thereupon declared the motion carried.

Commission Leal moved to adopt Planning Commission Resolution #PC 2016-02 making the findings and subject to the Conditions of Approval and approve Conditional Use Permit 2016-2, to allow the construction of the accessory building located at 349 N. Oregon Street, Yreka California (APN 053-191-100):

1. The construction of a 30 ft. x 30 ft. (900 sq. ft.) accessory structure for use as a garage /storage building will not.
 - a. be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka because the project is located in a residential zoned area and it complies with the City setback requirements.
 - b. be detrimental to property or improvements in the neighborhood and the residential use will not impair the desirability of investment or occupation in the vicinity because the project site is surrounded by residential uses.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the use of a 900 sq. ft. accessory structure for a garage/storage building will not significantly increase the traffic beyond what is existing.
 - d. adversely affect matters regarding police protection, crime prevention, and security.
 - e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance because the construction of a 900 sq. ft. accessory structure for a garage /storage building will allow parking of vehicles off the street and on the project site.
2. The use is compatible with the policies and objectives of the zoning ordinance subject to this Permit approval.
3. 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 15303(E) Accessory Structure of the CEQA Guidelines.

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

1. Permittee granted a permit to construct a 900 square foot accessory building for a garage/storage building on the location set forth in the application, subject to full compliance with applicable city and state codes. The premises shall not be occupied until all conditions hereinafter set forth have been complied with by the Permittee.
2. The accessory structure shall be for personal residential use only. The accessory structure shall not be utilized for any commercial activity.
3. Use shall be conducted in accordance with the site plan as submitted and no alterations shall be made without prior 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.
4. Permittee shall comply at all times with the zoning district regulations for an R-1 zone as set forth in section 16.18 of the Yreka Municipal Code.

5. Permittee shall secure approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject accessory structure for use as a hobby shop/storage building.

6. Permittee shall obtain a building permit and shall pay the necessary fees therefor prior to making any building, electrical, mechanical, or plumbing alterations/improvements to the structures. Public infrastructure improvements such as curb, gutter, sidewalk, driveway approaches and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.

7. 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 Kegg seconded the motion, and upon roll call, the following voted YEA: Kegg, Leal, McCoy, and Rolzinski.

The foregoing Resolution #2016-02 was adopted by the Planning Commission on the 20th day of January, 2016 by the following vote: Ayes: 4, Nays: 0

Discussion/Possible Action – Consideration of proposed Categorical Exemption and Conditional Use Permit for the establishment and operation of a Microbrewery. Location – 204 W. Miner Street, Assessor's Parcel Number 053-371-080.

Planning Commissioner Knitter remained recused due to conflict of interest by reason of property ownership within 500 foot of the proposed project.

The Planning Commission reviewed Resolution No. PC 2016-3 Consideration of proposed Categorical Exemption and Conditional Use Permit for the establishment and operation of a Microbrewery. Location – 204 W. Miner Street, C2 (Commercial Downtown) Zone & HD (Historic District) General Plan Designation. Assessor's Parcel Number 053-371-080.

Assistant City Manager Liz Casson presented commissioners with staff report and the following background. The City has received an application for a Conditional Use Permit for the establishment and operation of a Microbrewery, to be located in an existing facility located at 204 W. Miner Street. 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 permitted by right in the C-2 Downtown zoning district. The use such as a Microbrewery requires a Conditional Use Permit, pursuant to YMC Section 16.34.070.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on January 6, 2016 and a Notice of Public Hearing was published in the Siskiyou Daily News on January 8, 2016.

City staff recommends approval subject to the proposed findings and conditions of approval, which includes a determination that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities of the CEQA Guidelines. 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.

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

Applicant Debora Behm was present to answer commissioners questions.

Gerald Overstreet – Miner Street Sports Bar – Spoke concerning how many alcohol establishments West Miner Street can support.

Steve Radford – 409 Evergreen Lane – Spoke in support for new businesses and attracting tourist to the Yreka area.

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

Following Commission discussion, Commissioner Kegg moved to make the finding that the proposed project is exempt from an environmental review pursuant to California Environmental Quality Act (CEQA) Section 15301, Existing Facilities of the CEQA Guidelines.

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

Vice Chair McCoy thereupon declared the motion carried.

Commissioner Kegg moved that the Planning Commission adopt Planning Commission Resolution # PC 2016-4 making the findings and subject to the Conditions of Approval presented and approve Conditional Use Permit # 2016-4, to allow the establishment and operation of a Microbrewery.

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 a Microbrewery 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 a Microbrewery upon approval and validation of a conditional use permit as set forth in Section 16.34.070 (F) 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 a Microbrewery with 17 fixed seats 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 204 W. Miner Street, as approved by the Planning Commission on January 20, 2016.
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 and Title 17, Historic District of Yreka Municipal Code.
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. Installation of grease traps/interceptor shall be required for a food businesses as determined by the Building Official 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 provide the city with verification of compliance with Siskiyou County Public Health Department approval to establish and operate a Microbrewery.
8. 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.
9. No signs shall be placed on the premises without first obtaining a sign permit. Signs shall be Installed in accordance with Title 13, Signs and Title 17, Historic District of Yreka Municipal Code.
10. Permittee shall maintain an annual City business license to carry on the business of a Microbrewery.
11. 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 Rolzinski seconded the motion, and upon roll call, the following voted YEA: Kegg, Leal, McCoy, and Rolzinski.

The foregoing Resolution #2016-4 was adopted by the Planning Commission on the 20th day of January 2016 by the following vote: Ayes: 4, Nays: 0

Commissioner Knitter returned to her seat at the table.

Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit for the establishment and operation of an RV Storage Yard Facility and Residential Use of Commercial property. Location – 113 Bruce Street, Assessor's Parcel Number 061-351-220.

Planning Commissioner Kegg announced his recusal, stating that he had a conflict of interest by reason of his business relationship and financial interest with the applicant, and therefore recused himself and left the Council Chambers.

The Planning Commission reviewed Resolution No. PC 2016-5 Consideration of proposed Categorical Exemption and Conditional Use Permit for the establishment and operation of an RV Storage Yard Facility and Residential Use of Commercial property. Location – 113 Bruce Street, CH (Commercial Highway) Zone & GC (General Commercial) General Plan Designation. Assessor's Parcel Number 061-351-220.

Assistant City Manager Liz Casson presented commissioners with staff report and the following background. The City has received an application for a Conditional Use Permit for the establishment and operation of an RV Storage Facility and Residential Use of Commercial property in conjunction with their existing landscape business located at 113 Bruce Street. The subject property is zoned CH

Downtown Highway. YMC Section 16.36.070 provides that a mixed use such as an RV Storage Yard Facility and residential use of commercial property are both permitted uses in the CH Zone upon approval of a conditional use permit.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on January 6, 2016 and a Notice of Public Hearing was published in the Siskiyou Daily News on January 8, 2016.

City staff recommends approval subject to the proposed findings and conditions of approval, which includes a determination that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities and Section 15061 (b)(3) that this is not a project which has the potential for causing a significant effect on the environment of the CEQA Guidelines.

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

There being no statements or comments received, Vice Chair McCoy closed the public hearing and discussion was open to the Commission.

Applicant John Kennedy was present to answer commissioners questions.

Following Commission discussion, Commissioner Leal moved to make the finding that the proposed project is exempt from an environmental review pursuant to California Environmental Quality Act (CEQA) Sections 15061 (b) (3) and 15301 Existing Facilities of the CEQA Guidelines.

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

Vice Chair McCoy thereupon declared the motion carried.

Commissioner Leal moved that the Planning Commission adopt Planning Commission Resolution # PC 2016-5 making the findings and subject to the Conditions of Approval presented and approve Conditional Use Permit # 2016-5, to allow the establishment and operation of a storage yard facility.

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 for residential use in conjunction with the establishment and operation of a proposed storage yard for recreational vehicles 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 residential and commercial use compatibility between the proposed residential and commercial use and the existing 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 CH, Commercial Highway zone which allows residential use and storage buildings and yards upon approval and validation of a conditional use permit as set forth in Section 16.36.070 (B) & (K) of the Yreka Municipal Code. This residential use in conjunction with a 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 & Section 15061 (b) (3) in that it is not a project which has the potential for causing a significant effect on the environment of the CEQA Guidelines.

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

1. Permittee granted a permit for residential use in conjunction with the establishment and operation of a storage yard business for recreational vehicles 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. All elements of the project application including site plan as approved shall be complied with.
3. Off-street parking facilities:
 - a. Residential Use – Two (2) improved parking spaces.
 - b. R.V. Storage – parking facilities are not required for this use, however, parking facilities would be required if an office was built on site. At such time, Permittee will be required to comply with Yreka Municipal Code Section 16.54.090 (Standards for off-street parking facilities), including but not limited to: The parking area, aisles and access drives shall be constructed with a minimum six-inch base and double chip seal so as to provide a durable, dustless surface and shall be so graded and drained to dispose of surface water, with the design and specifications of such work subject to the approval of the City Engineer and Building Official.

4. Aesthetics:

- a. Storage area to be improved with compacted ¾" – (4" deep) porous base rock over prepared subgrade with filter fabric in accordance with approved site plan. Permittee shall implement regular weed control of the storage area to prevent weeds from growing up through the gravel.
- b. Only manufactured vehicle covers with snaps or fitted non-degradable covers are allowed on stored vehicles. No tarps that require tarp bungee cords to tie down a tarp are allowed.
- c. Landscaping shall be installed to screen the property.

5. Permittee shall obtain approval of all required public improvements through the Department of Public Works and its encroachment permit process.

6. Use shall be conducted in accordance with the site plan for the property located at 113 Bruce Street, as approved by the Planning Commission on January 20, 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. Permittee shall comply at all times with the zoning district regulations for a CH zone as set forth in Section 16.38 of the Yreka Municipal Code.

8. All landscaping shall be installed, maintained, and replaced as necessary. Water efficient irrigation system shall be installed for the landscaping per Yreka Municipal Code Section 16.52.030 (E).

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 for review and approval of the Director of Public Works and/or Building Official prior to start of construction or any on-site grading. On-site detention or storm drain extension may be required.

11. Permittee shall obtain a building permit and shall pay the necessary fees therefor 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.

12. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject business of a storage business for recreational vehicles.

13. Permittee shall secure and maintain an annual City business license to operate a storage yard business for recreational vehicles.

14. Permittee shall pave all driveway accesses from the project site onto Bruce Street a minimum of 20 feet back from the back of the sidewalk.
15. No signs shall be placed on the premises without first obtaining a sign permit.
16. Fences shall comply with the Yreka Municipal Code Section 16.46.050.
17. 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.
18. The site plan approval shall expire and 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.

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

The foregoing Resolution #2016-02 was adopted by the Planning Commission on the 20th day of January, 2016 by the following vote: Ayes: 4, Nays: 0

Commissioner Kegg returned to his seat at the table.

Discussion/Possible Action – Consideration of two alternative Proposed Ordinances prohibiting/regulating Marijuana Cultivation within the City Limits. – A city-initiated Ordinance adding Chapter 9.26 to Title 9, Public Peace, Safety and Morals, of the Yreka Municipal Code.

1. RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YREKA RECOMMENDING THE CITY COUNCIL ADOPT AN URGENCY ORDINANCE ENACTING CHAPTER 9.26 ENTITLED “**MARIJUANA CULTIVATION PROHIBITED**” PROHIBITING THE CULTIVATION OF MARIJUANA WITHIN THE CITY OF YREKA, AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA.
2. AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA ENACTING CHAPTER 9.26 ENTITLED “**MARIJUANA CULTIVATION**” TO PROHIBIT OUTDOOR CULTIVATION OF MARIJUANA, REGULATE THE STRUCTURES WITHIN WHICH MARIJUANA MAY BE CULTIVATED, ESTABLISH A REGISTRATION PROCESS AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA.

City Manager Steve Baker presented commissioners with the following summary and background.

Summary:

On October 9, 2015, Governor Brown signed Assembly Bills (AB) 243 and 266 and Senate Bill (SB) 643 implementing the Medical Marijuana Regulation and Safety Act. According to the new laws, the state will become the sole licensing authority for medical marijuana cultivation if the City does not have land use regulations or ordinances regulating or prohibiting medical marijuana cultivation in effect by March 1, 2016. Staff recommends that the City retain local control by immediately adopting a new ordinance (Alternate ordinances are Attachments D and E) to prohibit medical marijuana cultivation within the City of Yreka, or if the alternative ordinance is adopted, with a limited exemption for marijuana cultivation for personal medical use. The City may reconsider this decision after additional information is available, including new state regulations for licensing medical marijuana cultivation.

Further discussion of the Medical Marijuana Regulation and Safety Act and how it affects the City has been provided by the League of California Cities and has been included as Attachment A to this report.

This report presents to the Planning Commission, for recommendation to the City Council, two Alternative proposed Ordinances prohibiting/regulating Marijuana Cultivation within the city limits. Attachment B depicts the findings relating to the adoption of each Ordinance.

Background

The Medical Marijuana Regulation and Safety Act establishes the new Bureau of Medical Marijuana Regulation within the California State Department of Consumer Affairs to administer and enforce certain provisions of AB 243, AB 266, and SB 643.

AB 243

In part, AB 243 makes the State Department of Food and Agriculture responsible for licensing and regulating medical marijuana cultivation. AB 243 allows the state to become the sole licensing authority for medical marijuana cultivation in cities and counties that do not have land use regulations or ordinances regulating or prohibiting medical marijuana cultivation in effect by March 1, 2016.

AB 243 also addresses marijuana cultivation for personal medical use. It exempts qualified patients and primary caregivers from the requirements to obtain a state license for medical marijuana cultivation if the area for cultivation by a qualified patient does not exceed 100 square feet and the area for cultivation by a primary caregiver does not exceed 500 square feet for five qualified patients.

AB 266

AB 266 creates a dual licensing structure between the state, cities, and counties in which both a state license and a local government permit or license will be required for medical marijuana activities. AB 266 also allows dispensaries to deliver medical marijuana to qualified patients. However, cities and counties may prohibit such deliveries within their jurisdictions. According to AB 266, the state will develop regulations for licensing medical marijuana activities. Several provisions in AB 266 imply that the Bureau of Medical Marijuana Regulation may begin issuing licenses for dispensaries and other medical marijuana activities in January 2018.

SB 643

SB 643 requires the Medical Board of California to develop criteria for regulating physicians and administration and use of medical marijuana. SB 643 also contains provisions regarding the transportation, tracking, and taxation of medical marijuana.

Discussion and Staff Recommendations

The new laws allow the state to license medical marijuana cultivation and delivery, as discussed above. Several California cities and counties have reported negative impacts of marijuana cultivation, processing, and distribution activities, including illegal sales and distribution of marijuana, trespassing, and theft. Additionally, marijuana plants can produce strong odors that may be offensive to some people and detectable beyond property boundaries. In part, the new laws aim to address these negative impacts. However, state regulations and state licensing are not anticipated until July 1, 2017 and January 2018, respectively.

According to AB 243, the City must act immediately if it wishes to retain authority to prohibit or regulate medical marijuana cultivation. Specifically, the state will become the sole licensing authority for medical marijuana cultivation unless the City has an ordinance prohibiting or regulating medical marijuana cultivation in effect by March 1, 2016. Furthermore, the state is anticipated to begin licensing medical marijuana dispensaries in January 2018.

To regulate medical marijuana cultivation, the City would need to develop regulations to address potential impacts on the environment, public health, safety, and welfare. However, the short statutory timeframe in the new laws does not provide sufficient time to fully analyze issues, allow public review, or fully develop necessary ordinances or regulations. In addition, great uncertainty exists regarding future state regulations for medical marijuana cultivation.

Staff recommends that the City retain local control over medical marijuana cultivation. To this end, the Yreka Planning Commission should immediately adopt a recommendation to add a new Chapter 9.26, titled "Marijuana Cultivation," to the City of Yreka City Code, to prohibit most or all cultivation of medical marijuana within the City of Yreka. The proposed ordinances include a number of definitions, including definitions for cultivation of medical marijuana. Cultivation includes the processing of marijuana for medical purposes.

AB 243 contains exemptions allowing qualified patients and their caregivers to cultivate up to 100 and 500 square feet, respectively, of marijuana for personal medical use, as discussed above. Cultivation of more than 100 square feet of medical marijuana would likely occur on property not owned, rented, or otherwise associated with qualified patients and would result in significant negative impacts. Therefore, larger scale cultivation warrants careful consideration and appropriate regulations, if permitted in the City. However, the City does not have time to develop such regulations before March 1, 2016. Therefore, staff plans to submit two alternatives to the City Council; one version that completely prohibits the cultivation of medical marijuana and another that permits a limited exemption allowing qualified patients and their caregivers to cultivate up to 100 square feet of marijuana for personal medical use per household no matter how many patients and caregivers reside at the residence.

More specifically, one alternative of Chapter 9.26 provides an exemption for a qualified patient or primary caregiver to allow marijuana cultivation for personal medical use provided (1) the cultivation occurs on the lot that contains the lawful residential structure occupied by the qualified patient or person with an identification card; (2) the cultivation occurs on a single cultivation site

that does not exceed 100 square feet; (3) the cultivation conforms to all applicable zoning regulations and current California and City building codes.

City staff will continue to monitor this issue and future state regulations. The City may reconsider its decision to prohibit or limit medical marijuana cultivation when additional information is available, including new state regulations for licensing medical marijuana cultivation.

To have an ordinance in effect by March 1, 2016, staff must present the City Planning Commission's recommendation to the City Council on February 4, 2016. The new ordinance would take effect on February 18, 2016 as an urgency ordinance allowing the City to retain authority over medical marijuana cultivation and preserve its ability to adopt regulations in the future.

Staff recommends that the Planning Commission recommend approval of one of the proposed ordinances by adopting the appropriate resolution. Staff also recommends that the Planning Commission make a recommendation to the City Council that the proposed action is exempt from CEQA review under Public Resources Code Section 15061(b)(3), commonly described as the "general rule" exemption.

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

The following spoke in opposition of outdoor marijuana cultivation.

Diana Collier – 539 Shadow Lane
Louise Gliatto - Yreka

The following spoke in opposition of marijuana cultivation in city limits.

Guy Scott – 809 Campbell Ave.
Steve Radford – 409 Evergreen Lane

Don Hall – 321 Hillcrest Drive – spoke regarding medical marijuana use related to certain health issues and cited his concerns on how this ordinance was written.

Nita Still – Yreka – stated it is confusing to people when cities, states and federal government all have different ordinances and laws.

There being no more statements or comments received, Vice Chair McCoy closed the public hearing and discussion was open to the Commission.

Following Commission discussion, Commissioner Knitter moved to make the finding that the proposed project is exempt from an environmental review pursuant to California Environmental Quality Act (CEQA) Sections 15061 (b) (3) of the CEQA Guidelines.

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

Vice Chair McCoy thereupon declared the motion carried.

Commissioner Leal moved to adopt Planning Commission Resolution No. 2016-3a with the following Title Change - RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YREKA RECOMMENDING THE CITY COUNCIL ADOPT AN URGENCY ORDINANCE ENACTING CHAPTER 9.26 ENTITLED "MARIJUANA CULTIVATION" TO PROHIBIT INDOOR CULTIVATION OF MARIJUANA, REGULATE MARIJUANA CULTIVATION, ESTABLISH A REGISTRATION PROCESS AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA.

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

The foregoing Resolution #2016-3a was adopted by the Planning Commission on the 20th day of January 2016 by the following vote: Ayes: 3, Nays: 2

Discussion/Possible Action – Consideration of proposed Categorical Exemption and Conditional Use Permit for the establishment and operation of an outside mobile food cart and seating in conjunction with the restaurant known as Serrano's Mexican Grill.

The Planning Commission reviewed Resolution No. PC 2016-1 Consideration of proposed Categorical Exemption and Conditional Use Permit # 2016-1 for the establishment and operation of an outside mobile food cart and seating in conjunction with the restaurant known as Serrano's Mexican Grill Location – 1009 S. Main Street, CH (Commercial Highway) Zone & GC (General Commercial) General Plan Designation. Assessor's Parcel Number 061-282-020.

Assistant City Manager Liz Casson presented commissioners with staff report and the following background. The City has received an application for a Conditional Use Permit for the establishment and operation of an outside food cart and additional outside seating, in conjunction with the existing Restaurant located at 1009 S. Main Street. The subject property is zoned CH Commercial Highway. YMC Section 16.36.070 provides that sales conducted outside of the building for a permitted use, requires a conditional use permit.

Notification of the public hearing was mailed to property owners/occupants located within 300 feet of the proposed project on January 6, 2016 and a Notice of Public Hearing was published in the Siskiyou Daily News on January 8, 2016.

City staff recommends approval subject to the proposed findings and conditions of approval, which includes a determination the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities.

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

Applicant Paula Rodriguez was not present to answer commissioners questions.

Correspondence received from John Nantz property owner of 1015 S. Main St. stating parking was an issue.

There being no more statements or comments received, Vice Chair McCoy closed the public hearing and discussion was open to the Commission.

Commissioner Leal made a motion to table this application for the February 17th, 2016 Planning Commission meeting and directed staff to encourage applicant Paula Rodriguez to be present to address parking concerns. And to also notify Mr. Nantz that we received his concerns, and to advise him of the action taken.

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

Vice Chair McCoy thereupon declared the motion carried.

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

Matt Osborn, Chair
Approved by motion of the Planning
Commission on February 17, 2016



**CITY OF YREKA
PLANNING COMMISSION AGENDA MEMORANDUM**

To: Yreka Planning Commission
Prepared by: Steve Baker, City Manager
Agenda Title: Discussion/Possible Action – Approval of request for permit to discharge a firearm within the City limits
Meeting date: February 17, 2016

Discussion:

Joseph Allison, on behalf of the Reenactors of the American Civil War, Inc. has submitted the attached application for a permit to discharge a firearm within the City limits in conjunction with their event to be held May 20 - 22, 2016 known as the Civil War & History Days.

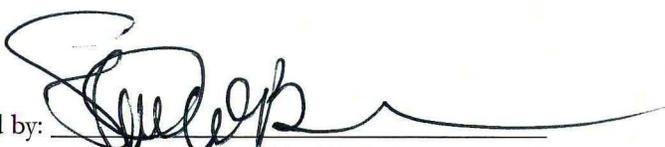
Background:

It is a misdemeanor for any person to discharge a firearm within the city limits, excepting a duly appointed peace officer carrying out official duties. One-day permits are available administratively by the Chief of Police. Longer permits are available upon application for consideration by the Planning Commission pursuant to YMC 9.060.040. The applicant would need to demonstrate that the discharge of firearms is not for an unlawful purpose and that reasonable precautions have been taken by the applicant to prevent injury to persons or property from the discharge of said firearms. Firearm, as defined in the YMC, includes any instrument from which is expelled a projectile by the force of any explosion or other form of combustion.

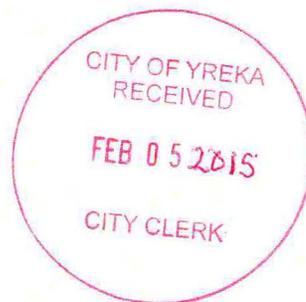
Recommendation:

The Chief of Police has reviewed the proposal and has given his support to the event. City Staff is recommending that the Planning Commission approve the request for a permit to discharge firearms within the City limits May 20-22, 2016.

Approved by: _____


Steven Baker, City Manager

~~April 13, 2007~~



Yreka Planning Commission
Yreka City Council
c/o City Clerk Liz Casson
City Hall, Yreka

re: Civil War & History Days May 20-22, 2016

Friends,

On behalf of the school children of Siskiyou County and the Reenactors of the American Civil War, we respectfully request that the City Council permit and/or authorize the following in support of this event, Friday May 20 through Sunday May 22, 2016 at the old Caldwell Ranch between Westside Road and Yreka Creek:

Permit the daytime discharge of black powder firearms and cannon firing only blank charges.

As always, the RACW will provide the City with proof of designation as an additional insured on our liability insurance policy.

The landowners, the Newton family, have again graciously given us their permission to use their land; we anticipate that Yreka Police Chief Brian Bowles will again give his assent to the requested use of blanks on site.

This year the living history program will be joined by an historical exhibit from the Siskiyou County Museum.

As we have done in the past, the neighbors to the site will be advised of the noisy aspects of the event in advance; in the past the universal reaction was pleasure that the event was returning.

Your most humble and obedient servant,

A handwritten signature in blue ink that appears to read "Joe Allison".

Joe Allison
Event Coordinator

POB 598 Yreka 96097
340.3224

Chapter 9.06 - DISCHARGE OF FIREARMS

Sections:

9.06.010 - Firearms defined.

"Firearm," as used in this chapter, includes any instrument or weapon commonly known as a pistol, revolver, gun, rifle, air gun, pellet gun or BB gun, or an instrument or weapon from which is expelled a projectile by the force of any explosion or other form of combustion.

(Ord. 453 (part), 1971).

9.06.020 - Discharge of firearms.

Every person who discharges a firearm within the city limits is guilty of a misdemeanor and upon conviction thereof, punishable by fine of not more than five hundred dollars or by imprisonment for a period not more than six months, or by both such fine and imprisonment.

(Ord. 453 (part), 1971).

9.06.030 - Exemptions and one day permits.

This chapter shall not apply to duly appointed peace officers who are carrying out official duties while in the city, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer. This chapter shall not apply to BB guns discharged on premises with the owner's consent.

On application to the chief of police, any person may obtain a permit for the discharge of firearms, for a period not to exceed one day, providing that the person making such application gives satisfactory evidence that the discharge of such firearm or firearms involved is not for an unlawful purpose, and that reasonable precautions have been taken by the applicant to prevent injury to persons or property from the discharge of such firearms.

(Ord. 470, 1972; Ord. 453 (part), 1971).

9.06.040 - Permits.

Any person may file an application with the city planning commission for a permit to discharge a firearm within the city and said permit shall be issued by the planning commission at such time as the applicant gives evidence of the following:

- (a) That the discharge of the firearm or firearms involved is not for unlawful purpose;
- (b) That reasonable precautions have been taken by the applicant to prevent injury to persons or property from the discharge of said firearms. Any person denied a permit by the planning commission may appeal said decision to the city council by filing a notice thereof with the city clerk within fifteen days of the denial of the permit by the planning commission. Upon filing of the appeal, the city council shall set a hearing within thirty days to determine if the applicant has complied with the conditions as heretofore set forth for the issuance of a permit.

(Ord. 453 (part), 1971).



CITY OF YREKA
PLANNING COMMISSION AGENDA MEMORANDUM

To: Yreka Planning Commission

From: Steven Baker, City Manager
Liz Casson, City Clerk

Prepared by: Scott Friend, AICP, Contract Planner

Agenda Title: CAMPORA PROPANE PERMIT #2016-09: Consideration of a request for a Conditional Use Permit by Campora Propane to allow for the construction and operation of a fuel storage yard facility with two (2) 30,000 gallon propane storage tanks on the property located at 1420 Mill Road; APN: 062-051-500.

Applicant: Campora Propane
Location: 1420 Mill Road
Assessor's Parcel Number(s): 062-051-500
Zoning: M-1, Light Industrial
General Plan Designation: I, Industrial
Project Numbers: Conditional Use Permit (CUP) #2016-09

Meeting date: February 17, 2016

Summary:

The City has received a Conditional Use Permit application from Campora Propane to construct, establish and operate a fuel storage yard with two (2) 30,000-gallon propane storage tanks on a vacant lot approximately 0.92 acres at 1420 Mill Road (**Attachment A – Conditional Use Permit Application**). A Conditional Use Permit is required in the M-1, Light Industrial zoning district to allow light 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*” (§OMC 16.40.070). 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 (**Attachment C – Findings and Conditions of Approval**) staff is recommending that the Planning Commission approve the Conditional Use Permit.

A Notice of Exemption (**Attachment D – NOE**) has been prepared for the project. The proposed use is compatible with applicable General Plan and Zoning designations, is located in a developed industrial area, has no value as habitat for endangered, rare, or threatened species as it is adjacent commercial and industrial zoning, and will result in no significant effects related to traffic, noise, air quality, or water quality. No other special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. Therefore, staff is recommending that the Planning Commission determine the project to be categorically exempt under Section 15332 “In-fill Development Projects” of the CEQA Guidelines.

Background:

The proposed project consists of the construction of a fuel storage yard and the establishment of two 30,000-gallon propane storage tanks. The primary use at the site would be the storage of propane fuel. The project would require a small amount of grading followed by excavating, forming and pouring in place engineered concrete supports for the propane tanks.

The project site is comprised of one existing parcel approximately 0.92 acres in size located within the incorporated area of the City of Yreka in the M-1 Light Industrial zoning district. The site is bounded by Interstate-5 to the east, Yreka Creek to the west, Greenhorn Road to the south and Davis Street to the north. The site is accessed by two gates located at the northwest and southwest of the property.

The proposed project site is a vacant lot devoid of any trees, vegetation or existing buildings. The site is surrounded by commercial and industrial uses, including Kimball's Auto Body & Paint off of Davis Street, and Siskiyou Petroleum and Les Schwab Tire Center off of Greenhorn Road. A small recreational vehicle (RV) park is situated approximately 600 feet south of the project site, across Yreka Creek and accessed from Sharps Road.

Some grading and trenching would occur during initial site development. The project proposes the construction of only one structure – a storage shed with a height of 12 feet and an area of 144 square feet. The proposed structure would be equipped with power and telephone service for a fax machine. Two 30,000-gallon tanks would be used for propane fuel storage and would be equipped with emergency shut-downs. One 2,500 gallon propane delivery truck would be parked on site to transport the fuel to various customer locations throughout Siskiyou County. Empty propane containers will be stored at the fuel yard and delivered to customers with a boom/crane truck.

The site will not be accessible to the public. Employee-only hours of operation would be Monday through Friday from 8:00AM – 5:00PM. Additionally, the project can be adequately served by all required utilities and public services.

Yreka Municipal Code (YMC) Chapter 16.40 states that Light 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-1, Light Industrial zoning district. Due to the potential of nuisance factors from the proposed use, a Conditional Use Permit is required.

Discussion/Analysis:

M-1, Light Industrial Development Standards:

Development regulations for the M-1, Light 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. The project proposes the construction of one single-story storage shed, designed with an earth-tone (tan) color scheme and wood siding. With a height of 12 feet and an area of 144 square feet, the proposed structure meets all setback, lot coverage, and building height regulations of the Municipal Code.

Traffic:

The project site is situated east of Interstate 5 between Greenhorn Road and Davis Street, approximately 380 feet west of Yreka Creek, located at 1420 Mill Road. The proposed project site would be used for the storage of propane fuel and is not accessible to the public. One delivery truck would be used to transport propane fuel to customers throughout the county. Mill Road is considered a Collector Street, designed to carry moderately heavy traffic volumes. Therefore, it is not anticipated that implementation of the project would create additional traffic or result in significant effects relating to noise, air quality, or water quality.

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)]. The project proposes four (4) on-site parking spaces; no off-street parking is required or proposed. The primary use at the site would be the storage of propane fuel; the project site will have no public access or visiting customers. As such, the proposed plan for parking at the project site is adequate.

Lighting:

The proposed lighting for the project site consists of four (4) light fixtures to be located at the corners of the property facing towards the propane vessels and LED tub lighting to be affixed to the storage shed. 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 be redirected away from abutting properties so as not to cause glare or light intrusion issues. A Condition of Approval has been included for the project that requires 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:

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 new short-term noise during site development but no long-term noise impacts are anticipated. 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 7:00pm. Following the conclusion of the initial construction phase, no noise-level thresholds of significance will be exceeded for operational actions. The proposed hours of operation are 8:00AM to 5:00PM; however, the site would be used for the storage of propane fuel and would not be accessible to the public. As such, the proposed facility would not be a significant generator of new noise in the project area.

Landscaping:

Staff has reviewed the site landscaping plan, which includes some grading and trenching which will result in the removal of approximately six feet of existing gravel, rocks and soil. Assorted shrubs and trees will be planted, a drip system installed and a connection made to the main water supply. This project has been conditioned to ensure compatibility with landscape standards in YMC 16.52.030, such as a condition requiring one 5-gallon sized tree per ten (10) parking spaces. With the conditions of approval regarding landscaping, the site will be consistent with City policy and represent a significant streetscape improvement for the site.

Utilities:

The project is located within the incorporated area of the City and can be adequately served by all required utilities and public services. Comments were solicited from all utility and public service providers as part of the review of the project and no comments were received indicating that any service issues exist at the site.

Summary:

The purpose of the Light Industrial (M-1) zoning district is to “serve as a Light Industrial district, permitting light industrial and manufacturing uses which are not objectionable to the neighborhood, and also allow certain types of commercial land uses. Such uses may include manufacture of electronics and consumer goods, food processing, laboratories, machine shops, tire shops, truck terminal and repair stations, storage warehouses, welding shops and fuel yards” (YMC Chapter 16.40). The intent of the district is to provide an area within the city for light industrial and manufacturing uses to provide for the light industrial and manufacturing needs of the area. The use permit is required for industrial or manufacturing 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. Per YMC Section 16.44.040, a 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.

Based upon the Findings and Conditions of Approval provided in **Attachment C – Findings and Conditions of Approval for CUP #2016-09**, staff is recommending that the Planning Commission approve the request for a Conditional Use Permit based upon the belief that the proposed fuel storage yard will not generate any significant and un-mitigated environmental impacts; that the approval of the proposed project will result in a bettering of the overall physical condition of the site as a result of the implementation of the project; that the proposed use is consistent with the existing uses in the surrounding area; that the project meets or has been conditioned to meet the standards and guidelines established by the City for the zone district; and, that the proposed project meets the intent of the M-1 zoning district and would contribute to the on-going viability of the surrounding industrial area.

Environmental Analysis and Determination:

Staff recommends that the Planning Commission determine the project to be categorically exempt, as it consists of the development of an “In-Fill Development Projects” as described in CEQA Guidelines Section 15332. The proposed use is compatible with applicable General Plan and Zoning designations, is located in a developed industrial area, has no value as habitat for endangered, rare, or threatened species as it is adjacent commercial and industrial zoning, and will result in no significant effects related to traffic, noise, air quality, or water quality. No other special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. Therefore the project qualifies for an exemption and no further environmental review is required. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment D – Notice of Exemption**.

Staff Recommendation:

Staff recommends that the Planning Commission adopt the Notice of Exemption (**Attachment D**) prepared for this project. Staff also recommends that the Commission grant approval of the Conditional Use Permit through adoption of Planning Commission Resolution #2016-06 for Conditional Use Permit #2016-09 subject to the Findings and Conditions of Approval presented in **Attachment C** permitting the construction and operation of a fuel storage yard by Campora Propane at 1420 Mill Road.

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.

If the Planning Commission determines that it intends to approve the proposed project as requested in the application for CUP #2016-09, staff presents the following motions for consideration:

1. Notice of Exemption:
I move that the Planning Commission determine that the project is categorically exempt from further environmental review under Section 15332 of the CEQA Guidelines and adopt the Notice of Exemption (Attachment D) prepared for the project.
2. Conditional Use Permit #2016-09:
I move that the Planning Commission adopt Planning Commission Resolution #2016-06 making the findings and subject to the Conditions of Approval presented as Attachment C, and approve Conditional Use Permit #2016-09, a request to allow for the construction of a fuel storage yard.

Attachments:

- Attachment A** – Conditional Use Permit Application
- Attachment B** – Approved Site Plan
- Attachment C** – Findings and Conditions of Approval for CUP #2016-09
- Attachment D** – Notice of Exemption
- Attachment E** – Planning Commission Resolution #2016-06

Approved by: _____



Steven Baker, City Manager

CITY OF YREKA
PLANNING DEPARTMENT APPLICATION - SITE PLAN

CITY FEES:

- Use Permit - Administrative approval.....\$ 75.00
- Minor Conditional Use Permit - P.C. approval..... \$150.00
- Moderate Conditional Use Permit - P.C. approval.....\$200.00
Plus site Plan Review is applicable
- Major Conditional Use Permit - P.C. approval...\$500.00 deposit/cost
- Public Hearing.....\$ 75.00 (Minimum fee) deposit/cost
- P.H. - Project notice circulation, 1-20 notices.....\$ 25.00
- P.H. - 21 or more notices.....\$25.00 plus 1.00/parcel over 20
- E.R. - Preliminary review.....\$ 50.00
- E.R. - Negative Declaration.....\$ 200.00 deposit/cost
- E.R. - Mitigated Negative Declaration..... Actual cost
- Environmental Impact Report..... Actual cost
- Site Plan Review - (No Use permit required)...\$ 200.00 deposit/cost
- Site Plan Review - (Use permit required).....\$ 200.00 deposit/cost
- Lot Line Adjustment (BLA) - Administrative approval.....\$ 200.00
See separate application form for Lot Line Adjustment (BLA)
- Annexation.....\$ 750.00 deposit/cost
- Appeals - Planning Commission.....\$ 100.00
- Appeals - City Council.....\$ 150.00 plus publication
- Certificates of Compliance.....\$250.00 deposit/cost
- Reversion to Acreage.....\$ 500.00 deposit/cost
- General Plan Amendment.....\$ 750.00 deposit/cost
- Rezone.....\$ 750.00 deposit/cost
- Planned Unit Development\$ 750.00 deposit/cost
- Variance.....\$250.00 deposit/cost
- Other \$ _____

Other - Separate Check payable to Siskiyou County Clerk:

STATE FISH AND WILDLIFE FEES*:

- Siskiyou County Processing Fee\$ 50.00 actual cost
- Fish and Wildlife fee if applicable see below*
- Other \$ _____

DATE: 11-23-15 ASSESSOR'S PARCEL NUMBER: 062 051500

APPLICANT: Compura Inc. TELEPHONE NUMBER: 209-941-2995

APPLICANT ADDRESS: PO Box 31717, Stockton, CA 95213

IF OTHER THAN APPLICANT, NAME OF PROPERTY OWNER: Jimmie NASH

PROPERTY OWNER ADDRESS: 301 Rollins Hills Dr, Yreka, CA 96097

PROJECT LOCATION: 1420 Mill Rd, Yreka, CA 96097

DESCRIPTION OF PROPOSED PROJECT: Install 2, 30,000 gallon Propane Storage tanks.

See Project Narrative

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 \$3,069.75 if an Environmental Impact Report is prepared or \$2,210.00 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: _____

PROPERTY OWNER'S SIGNATURE: (REQUIRED) Jimmie D. Nash

Property Owner's Acknowledgement of application submittal

***TO BE COMPLETED BY CITY STAFF:

*** ZONE: m2

*** GENERAL PLAN DESIGNATION: I

*** DATE APPLICATION RECEIVED AS COMPLETE: _____

*** PERMIT NUMBER: 4264

Project Narrative

1420 Mill Road

Yreka, CA 96097

APN: 062-051-500

The following site plan will consist of 2-30,000 gallon propane storage vessels, 1- 2,500 gallon Propane delivery truck, 1- boom/crane truck, and various sized empty propane containers.

Propane product will be transported into the 2- 30,000 gallon storage tanks. The small 2,500 gallon propane bobtail (delivery truck) will also be parked at the premises to load out of the 2 – 30,000 storage vessels and then transported to various customer locations throughout Siskiyou county. The various empty propane storage vessel will be delivered to customer locations with the boom/crane truck and then delivered to by the delivery truck.

The above mentioned project site will not be open to the public and will not consist of public parking or public use. The hours of employee only operation will be Monday through Friday from 8:00am to 5:00pm. See (site plan) for employee parking inside the locked gates.

It will require 4-lights (see site plan) on all 4 corners of the property facing toward the propane storage vessels.

A portable 12'X12' storage shed (see site plan) with 110 power and telephone for a fax machine.

Fire suppression will consist of the water Hydrant (see site plan) located at the North West coming of the property and the appropriately sized (see site plan) fire extinguishers.

The storage vessels will have all the appropriate (see site plan) Emergency Shut downs for self containment.

There is already 2 gates (see site plan) located on the property on the North West and South West which is also the emergency access route.

See attached pages for additional information (MSDS) on product flammability.

CITY OF YREKA
CONDITIONAL USE PERMIT NO. 2016-09
FINDINGS AND CONDITIONS OF APPROVAL

In accordance with the application for approval of a conditional use permit for a fuel storage yard facility with two 30,000 gallon propane storage tanks on the property located at 1420 Mill Road, Assessor's Parcel No. 062-051-500, the City of Yreka approves the site and landscape plan subject to the following findings and conditions:

The following findings of fact have been determined:

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 vicinity of the proposed use.

The proposal to construct, establish and operate a fuel storage yard facility with two 30,000 gallon propane storage tanks and one (1) 144 square foot storage building would not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the vicinity. Implementation of the project would not generate significant noise, and lighting would utilize cut-off or hooded fixtures to prevent glare on adjacent properties. The proposed use of the site is 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 use is compatible with the policies and objectives of the zoning ordinance for the M-1, light industrial zone. The use is consistent with the existing uses of the surrounding area and is consistent with the City of Yreka General Plan.

3. The project meets the requirements for an Exemption from further review under the provisions of the California Environmental Quality Act pursuant to Section 15332, In-fill Development Projects, of the California Public Resources Code:

- The project is an allowable use pursuant to the City of Yreka General Plan and Zoning Ordinance.
- The proposed development occurs within the city limits on a project site of approximately 0.92 acres substantially surrounded by urban uses.
- The project site has no known value as habitat for endangered, rare or threatened species.
- The project is located on Mill Road, which is considered a Collector Street, designed to carry moderately heavy traffic volumes. The proposed project is not anticipated to create significant additional traffic or result in significant effects relating to noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Conditions of Approval:

The Permit approving the site and landscape plan for a fuel storage yard facility with two 30,000 gallon propane storage tanks for the property located at 1420 Mill Road., Assessor's Parcel No. 062-051-500 **is subject to full compliance with the following conditions:**

1. All conditions hereinafter set forth shall be complied with by the Permittee prior to issuance of a certificate of occupancy. 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. Permittee shall comply with all elements of the project application including site and landscape plans as approved.

3. Minor changes may be approved by the City Manager, or his designee, upon receipt of a substantiated written request by the applicant, or their respected designee, with all required fees. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require an application for amendment for approval by the City of Yreka with all applicable fees paid by the applicant.

4. Site development and grading shall be designed to provide access to all entrances and exterior ground-floor exits and to normal paths of travel and shall incorporate pedestrian ramps, curb ramps, etc. Access shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger-loading zones if provided, and public streets or sidewalks. When more than 1 building or facility is located on a site, accessible routes of travel shall be provided between buildings and accessible site facilities, accessible element, and accessible spaces that are on the same site. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site.

5. Sewer lines, waterlines, electric-service facilities, and other utilities; drainage facilities; necessary electric- and public-service easements; and street dedications are to be provided in accordance with the Yreka Municipal Code and as specified by the Engineering Division.

6. New utilities within the project, including, but not limited to, electric, cable television, and phone, shall be installed underground.

7. All commercial developments shall have backflow prevention devices on domestic and fire services as required by the City of Yreka Construction Standards.

8. On-site and street-side fire hydrants are to be installed in accordance with the California Fire Code in locations approved by the City Fire Marshal. Fire hydrants shall

have a fire flow meeting Appendix III-B of the California Fire Code. In no case shall the water mains be less than 6 inches in diameter. If a hydrant is located on private property, adequate access shall be provided to and around the hydrant as determined by the Fire Marshal.

9. Storm-drain facilities shall be designed consistent with the requirements of City Construction Standards. Project design shall incorporate Best Management Practices (BMPs) to minimize the polluting of storm water, both during construction and long-term. Should the maintenance costs of the long-term pollution control measures exceed typical storm-drain-system costs, such costs shall be borne by the project by way of a landscape maintenance district, escrow account, or other such financing mechanism.

10. Prior to improvement-plan approval, the developer must obtain approval for proper management of storm water peak flows in accordance with Technical Memorandum Storm drain system design & Evaluation Criteria for City of Yreka, dated July 14, 2006 and the specifications of the City Engineer. Such measures shall address impacts from the 10-, 25-, and 100-year-storm events. Projects shall address peak flows to maintain predevelopment levels at all locations downstream of the project. A drainage report shall be prepared to the format outlined by the Engineering Division, stamped and signed by a qualified engineer, and provided to the Engineering Division with submittal of project improvement plans.

11. Permittee shall obtain approval of all required public improvements through the Department of Public Works and its encroachment permit process for construction of and/or connection to any City sewer, water, or storm drain. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed. Site plan approval does not include approval of any public improvements.

12. An encroachment permit shall be obtained prior to any work, including curb, gutter, sidewalk, and driveway approach, in the public right-of-way, or affecting public improvements.

13. Permittee shall submit a grading plan for review and approval prior to construction or any on-site grading. The plans for public improvements and for grading are to be submitted to and approved by the Department of Public Works and the Building Official, respectively.

14. Permittee shall submit a stormwater detention analysis and drainage plan for review and approval by Director of Public Works and Building Official Works prior to start of construction or any on site grading specifically related to the needs of the proposed project. Onsite detention or storm drain extension may be required. Low Impact Development (LID) techniques and facilities shall be used to the maximum extent possible. A Storm Water Pollution & Prevention Plan (SWPPP) may be required to comply with California State Law.

15. The site and landscape plans submitted by Campora Propane and approved by the City shall not be deviated from unless prior written approval is secured. Landscaping must comply with the standards established in YMC Section 16.52.030.

16. Landscaping shall be installed in accordance with the landscape plan submitted and approved by the Planning Commission, and shall be completed prior to issuance of a certificate of occupancy or until security is posted in the amount of one hundred fifty percent (150%) to cover the costs of the unfinished work.

17. 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 systems shall be installed for the landscaping in accordance with Yreka Municipal Code Section 16.52.030 (E).

18. Permittee shall obtain a building permit and shall pay the necessary fees including Utility Services, Impact and Connection fees prior to starting construction. Public infrastructure improvements such as curb, gutter, sidewalk, streetlights, curb ramps, driveway approaches 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.

19. Exterior lighting shall be 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.

20. Exterior Mechanical equipment and/or HVAC units must be screened. Trash enclosure must contain opaque gates to screen visibility of the trash dumpster.

21. Permittee shall comply at all times with the zoning district regulations for the *M1 Light Industrial* zone as set forth in section 16.40 of the Yreka Municipal Code.

22. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that proposed storage structure meets building standards and the fire regulations of the Uniform Building and Fire Codes prior to use.

23. Permittee shall comply with Yreka Municipal Code Section 11.01.075 - It shall be the responsibility of anyone engaging in construction or demolition work to restrict the hours of work activity on the site as follows: No construction equipment shall be operated nor any outdoor construction or repair work shall be permitted within five hundred feet from any occupied residence except during the hours of seven a.m. to seven p.m., Monday through Saturday, and eight a.m. to five p.m., on Sunday. Interior work which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood shall not be subject to these restrictions.

24. All grading and construction work on the project site shall incorporate the following debris and dust control measures:

- The project shall apply for and receive approval of all necessary permits from the Siskiyou County Air Pollution Control District.
- If visible soil material is carried onto adjacent public streets, such streets will be cleaned of the debris.

25. Permittee shall obtain a Sign Permit from the Planning Department prior to placing signs on the premises.

26. The storage of hazardous materials exceeding 55 gallons of a liquid, 500 pounds of a solid, and/or 200 cubic feet of a compressed gas requires the submittal of a hazardous Materials Business Plan (HMBP). A facility which stores hazardous materials in excess of these minimum quantities noted or which generates hazardous waste is subject to periodic inspections, an annual fee and all applicable laws and regulations in regards to the storage of hazardous materials or the generation of hazardous waste. The business is required to submit to the Siskiyou County Community Development Department for review and approval a HMBP prior to the import and storage of hazardous materials on site and associated with this operation.

27. The approved site plan 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.

28. The applicant shall submit a signed copy of the Conditions of Approval to the City of Yreka Planning Division.

29. Applicant shall within one business day of initial project approval, submit to the Planning Department a check payable to the Siskiyou County Clerks Office in the amount of \$50.00 (or fee as may be modified by Fish and Game) to cover posting costs in order to allow the project's Notice of Exemption to be filed within the statutorily required timeframes. The applicant has the sole responsibility to ensure timely compliance with this condition.

Required Signatures:

Print Name (Landowner)

Date

Signature (Landowner)

Date

Print Name (Applicant)

Date

Signature (Applicant)

Date

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044, 1400 Tenth Street, Room 22
Sacramento, CA 95812-3044

From: City of Yreka
Planning Department
701 Fourth Street
Yreka, CA 96097

County Clerk
County of Siskiyou
Post Office Box 338
Yreka, California 96097

Project Title: **Campora Propane**

Project Location - Specific: 1420 Mill Road, Yreka, CA, 96097.

Assessor's Parcel Number(s): 062-051-500

Project Description: Construction and establishment of two (2) 30,000-gallon bulk propane storage tanks on a vacant, 0.92 acre lot located in a Light Industrial (M-1) zoning district. The project site is situated east of Interstate 5 between Greenhorn Road and Davis Street, approximately 380 feet west of Yreka Creek. The primary use at the site would be the storage of propane fuel. The project would require a small amount of grading followed by excavating, forming and pouring in place engineered concrete supports for the propane tanks. Additionally, the construction of one storage structure with an area of 144 square feet is proposed.

Lead Agency: **City of Yreka**

Lead Agency Contact Person and Phone Number: **Scott Friend, City Planner (530) 894-3469 x 13214**

Applicant: Campora Propane

Exemption Status:

- Ministerial [Section 21080(b); 15268];
- Declared Emergency [Section 21080(b)(3); 15269(a)];
- Emergency Project [Section 21080(b)(4); 15269(b)(c)];
- General Rule [Section 15061(b)(3)];
- Categorical Exemption, Section 15332 – In-Fill Development Projects
- Statutory Exemption

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

The City of Yreka Planning Commission has determined the project to be categorically exempt, as it consists of the development of an "In-Fill Development Projects" as described in CEQA Guidelines Section 15332. The proposed use is compatible with applicable General Plan and Zoning designations. The project is located within the city limits of Yreka on approximately 0.92 acres and is

surrounded by industrial uses. The project site has no value as habitat for endangered, rare, or threatened species as it is adjacent commercial and industrial zoning, and will result in no significant effects related to traffic, noise, air quality, or water quality. The new facility can be adequately served by all required utilities and public services. No other special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. Therefore the project qualifies for an exemption and no further environmental review is required.

City of Yreka
Planning Department

By _____
Scott Friend, City Planner
Date: January 22, 2016

**CITY OF YREKA
PLANNING COMMISSION RESOLUTION PC 2016-06
APPROVAL OF CONDITIONAL USE PERMIT #2016-09
AT 1420 MILL ROAD (APN 062-051-500)
APPLICANT: CAMPORA PROPANE**

WHEREAS, Campora Propane (applicant) has requested a Conditional Use Permit to permit the construction and operation of a new fuel storage yard in the M-1, Light Industrial zone district; and

WHEREAS, light industrial or manufacturing uses which may be objectionable by reason of nuisance factors are permitted with a Conditional Use Permit by Chapter 16.40 of the Yreka Municipal Code; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on February 17, 2016; 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 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.
4. The project is exempt from further environmental review under Section 15332 *Infill Development* of the CEQA Guidelines. 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 conditions of approval are implemented.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Yreka does hereby approve Conditional Use Permit #2016-09, subject to the following conditions:

Conditions of Approval:

1. Permittee is granted a conditional use permit to construct, establish and operate a fuel storage yard facility with two 30,000 gallon propane storage tanks on a project site of approximately 0.92 acres located at 1420 Mill Road., Assessor's Parcel No. 062-051-500. All conditions hereinafter set forth shall be complied with by the Permittee prior to issuance

of a certificate of occupancy. 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. Permittee shall comply with all elements of the project application including site and landscape plans as approved.
3. Minor changes may be approved by the City Manager, or his designee, upon receipt of a substantiated written request by the applicant, or their respected designee, with all required fees. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require an application for amendment for approval by the City of Yreka with all applicable fees paid by the applicant.
4. Site development and grading shall be designed to provide access to all entrances and exterior ground-floor exits and to normal paths of travel and shall incorporate pedestrian ramps, curb ramps, etc. Access shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger-loading zones if provided, and public streets or sidewalks. When more than 1 building or facility is located on a site, accessible routes of travel shall be provided between buildings and accessible site facilities, accessible element, and accessible spaces that are on the same site. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities, and the accessible entrance to the site.
5. Sewer lines, waterlines, electric-service facilities, and other utilities; drainage facilities; necessary electric- and public-service easements; and street dedications are to be provided in accordance with the Yreka Municipal Code and as specified by the Engineering Division.
6. New utilities within the project, including, but not limited to, electric, cable television, and phone, shall be installed underground.
7. All commercial developments shall have backflow prevention devices on domestic and fire services as required by the City of Yreka Construction Standards.
8. On-site and street-side fire hydrants are to be installed in accordance with the California Fire Code in locations approved by the City Fire Marshal. Fire hydrants shall have a fire flow meeting Appendix III-B of the California Fire Code. In no case shall the water mains be less than 6 inches in diameter. If a hydrant is located on private property, adequate access shall be provided to and around the hydrant as determined by the Fire Marshal.
9. Storm-drain facilities shall be designed consistent with the requirements of City Construction Standards. Project design shall incorporate Best Management Practices (BMPs) to minimize the polluting of storm water, both during construction and long-term. Should the maintenance costs of the long-term pollution control measures exceed typical storm-drain-system costs, such costs shall be borne by the project by way of a landscape maintenance district, escrow account, or other such financing mechanism.

10. Prior to improvement-plan approval, the developer must obtain approval for proper management of storm water peak flows in accordance with Technical Memorandum Storm drain system design & Evaluation Criteria for City of Yreka, dated July 14, 2006 and the specifications of the City Engineer. Such measures shall address impacts from the 10-, 25-, and 100-year-storm events. Projects shall address peak flows to maintain predevelopment levels at all locations downstream of the project. A drainage report shall be prepared to the format outlined by the Engineering Division, stamped and signed by a qualified engineer, and provided to the Engineering Division with submittal of project improvement plans.
11. Permittee shall obtain approval of all required public improvements through the Department of Public Works and its encroachment permit process for construction of and/or connection to any City sewer, water, or storm drain. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed. Site plan approval does not include approval of any public improvements.
12. An encroachment permit shall be obtained prior to any work, including curb, gutter, sidewalk, and driveway approach, in the public right-of-way, or affecting public improvements.
13. Permittee shall submit a grading plan for review and approval prior to construction or any on-site grading. The plans for public improvements and for grading are to be submitted to and approved by the Department of Public Works and the Building Official, respectively.
14. Permittee shall submit a stormwater detention analysis and drainage plan for review and approval by Director of Public Works and Building Official Works prior to start of construction or any on site grading specifically related to the needs of the proposed project. Onsite detention or storm drain extension may be required. Low Impact Development (LID) techniques and facilities shall be used to the maximum extent possible. A Storm Water Pollution & Prevention Plan (SWPPP) may be required to comply with California State Law.
15. The site and landscape plans submitted by Campora Propane and approved by the City shall not be deviated from unless prior written approval is secured. Landscaping must comply with the standards established in YMC Section 16.52.030.
16. Landscaping shall be installed in accordance with the landscape plan submitted and approved by the Planning Commission, and shall be completed prior to issuance of a certificate of occupancy or until security is posted in the amount of one hundred fifty percent (150%) to cover the costs of the unfinished work.
17. 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 systems shall be installed for the landscaping in accordance with Yreka Municipal Code Section 16.52.030 (E).

18. Permittee shall obtain a building permit and shall pay the necessary fees including Utility Services, Impact and Connection fees prior to starting construction. Public infrastructure improvements such as curb, gutter, sidewalk, streetlights, curb ramps, driveway approaches 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.
19. Exterior lighting shall be 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.
20. Exterior Mechanical equipment and/or HVAC units must be screened. Trash enclosure must contain opaque gates to screen visibility of the trash dumpster.
21. Permittee shall comply at all times with the zoning district regulations for the M1 Light Industrial zone as set forth in section 16.40 of the Yreka Municipal Code.
22. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that proposed storage structure meets building standards and the fire regulations of the Uniform Building and Fire Codes prior to use.
23. Permittee shall comply with Yreka Municipal Code Section 11.01.075 - It shall be the responsibility of anyone engaging in construction or demolition work to restrict the hours of work activity on the site as follows: No construction equipment shall be operated nor any outdoor construction or repair work shall be permitted within five hundred feet from any occupied residence except during the hours of seven a.m. to seven p.m., Monday through Saturday, and eight a.m. to five p.m., on Sunday. Interior work which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood shall not be subject to these restrictions.
24. All grading and construction work on the project site shall incorporate the following debris and dust control measures:
 - The project shall apply for and receive approval of all necessary permits from the Siskiyou County Air Pollution Control District.
 - If visible soil material is carried onto adjacent public streets, such streets will be cleaned of the debris.
25. Permittee shall obtain a Sign Permit from the Planning Department prior to placing signs on the premises.
26. The storage of hazardous materials exceeding 55 gallons of a liquid, 500 pounds of a solid, and/or 200 cubic feet of a compressed gas requires the submittal of a hazardous Materials Business Plan (HMBP). A facility which stores hazardous materials in excess of these minimum quantities noted or which generates hazardous waste is subject to periodic inspections, an annual fee and all applicable laws and regulations in regards to the storage of hazardous materials or the generation of hazardous waste. The business is required to submit to the Siskiyou County Community Development Department for review and approval a HMBP prior to the import and storage of hazardous materials on

site and associated with this operation.

27. The approved site plan 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.
28. The applicant shall submit a signed copy of the Conditions of Approval to the City of Yreka Planning Division.
29. Applicant shall within one business day of initial project approval, submit to the Planning Department a check payable to the Siskiyou County Clerks Office in the amount of \$50.00 (or fee as may be modified by Fish and Game) to cover posting costs in order to allow the project's Notice of Exemption to be filed within the statutorily required timeframes. The applicant has the sole responsibility to ensure timely compliance with this condition.

The foregoing Resolution was adopted by the Planning Commission on the 17th day of February, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Matt Osborn, Chair

Attest:

Elizabeth Casson, City Clerk



**CITY OF YREKA
PLANNING COMMISSION AGENDA
MEMORANDUM**

To: Yreka Planning Commission
From: Steven Baker, City Manager
Agenda Title: Discussion/Possible Action - Consideration of a proposed categorical exemption and Conditional Use to establish and operate a mobile coffee kiosk on the property located at 215 Montague Road.
Meeting date: February 17, 2016

Summary:

The City has received an application for a Conditional Use Permit from John Nixon to establish and operate a mobile coffee kiosk at 215 Montague Road (Attachment A).

Upon review of the application, staff finds that the proposed use is in conformance with the applicable policies of the City of Yreka General Plan and is consistent with the applicable zoning provisions. With the conditions of approval, attached as Attachment “C”, the proposed use meets with the intent and requirements of the CT - Commercial Tourist zoning district, and staff is recommending approval.

Background:

The project site is zoned CT – Commercial Tourist. The project will be located on a parcel with an existing business known as AmeriGas Propane. The applicant is proposing to install a mobile coffee kiosk with a designated “drive-thru” lane as detailed on the Site Plan (Attachment B). The proposed project meets the site development standards of the CT zoning district.

Parking:

Yreka Municipal Code (YMC) Section 16.54.020 provides that adequate off-street parking facilities shall be provided as follows: One (1) space for each employee of the maximum working shift as set forth in Sections 16.54.020(A)(9) of the Yreka Municipal Code. For this project as submitted (1-2 employees per shift) two (2) parking spaces are required. The site has existing adequate parking facilities for the operation of both businesses. The applicant is proposing to install two (2) additional employee-parking facilities for the coffee kiosk, as depicted on the Site Plan (Attachment B).

Analysis:

The Commercial Tourist (CT) zoning district is intended to serve and accommodate the needs of the traveling public and is primarily located at or near freeway interchanges. Located along major roadways, this district provides a variety of commercial uses. All uses within the CT Zone require a Conditional Use Permit YMC 16.38-060.

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 request meets the intent of the CT zoning district.

Environmental Determination:

The Planning Department believes that the proposed project meets the requirements for an exemption from further review under 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 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.

If the Planning Commission determines that it intends to approve the proposed project as requested in the application for CUP #2016-12, staff presents the following motions for consideration:

1. Categorical Exemption:

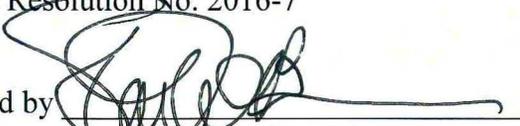
I move that the Planning Commission determine that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) from further environmental review under Section 15301, Existing Facilities of the CEQA Guidelines.

2. Conditional Use Permit #2016-12:

I move that the Planning Commission adopt Planning Commission Resolution #2016-7 making the findings and subject to the Conditions of Approval presented as Attachment C, and approve Conditional Use Permit #2016-12 to allow the operation of a mobile coffee kiosk.

Attachments: Attachment A – Conditional Use Permit Application
Attachment B – Site Plan
Attachment C - Findings and Conditions of Approval for CUP #2016-12
Attachment D – Planning Commission Resolution No. 2016-7

Approved by


Steven Baker, City Manager

Attachment A
CITY OF YREKA
PLANNING DEPARTMENT APPLICATION

RECEIVED

JAN 19 2016

CITY OF YREKA

CITY FEES:

- Use Permit - Administrative approval.....\$ 75.00
- Minor Conditional Use Permit - P.C. approval..... \$150.00
- Moderate Conditional Use Permit – P.C. approval.....\$200.00
 Plus site Plan Review if applicable
- Major Conditional Use Permit – P.C. approval...\$500.00 deposit/cost
- Public Hearing.....\$ 75.00 (Minimum fee) deposit/cost
- P.H. - Project notice circulation, 1-20 notices.....\$ 25.00
- P.H. - 21 or more notices.....\$25.00 plus 1.00/parcel over 20
- E.R. - Preliminary review.....\$ 50.00
- E.R. - Negative Declaration.....\$ 200.00 deposit/cost
- E.R. - Mitigated Negative Declaration..... Actual cost

- Environmental Impact Report..... Actual cost
- Site Plan Review – (No Use permit required)...\$ 200.00 deposit/cost
- Site Plan Review – (Use permit required).....\$ 200.00 deposit/cost
- Lot Line Adjustment (BLA) - Administrative approval.....\$ 200.00

- Annexation.....\$ 750.00 deposit/cost
- Appeals - Planning Commission.....\$ 100.00
- Appeals - City Council.....\$ 150.00 plus publication
- Certificates of Compliance.....\$250.00 deposit/cost
- Reversion to Acreage.....\$ 500.00 deposit/cost
- General Plan Amendment.....\$ 750.00 deposit/cost
- Rezone.....\$ 750.00 deposit/cost
- Planned Unit Development\$ 750.00 deposit/ cost
- Variance.....\$250.00 deposit/cost
- Other \$ _____

STATE FISH AND WILDLIFE FEES*:

- County Clerk Processing Fee\$ 50.00 actual cost
- Fish and Wildlife fee * \$ _____
- Other \$ _____

See separate application form for Lot Line Adjustment (BLA)

DATE: JAN. 8, 2016 ASSESSOR'S PARCEL NUMBER: 053-642-110-000

APPLICANT: JOHN NIXON ON BEHALF OF HUMBURG JOE, LLC TELEPHONE NUMBER: 916-600-8235

APPLICANT ADDRESS: 1122 DISCOVERY ST. YREKA
 IF OTHER THAN APPLICANT,
 NAME OF PROPERTY OWNER: HERZOG JOHNSON LLC (USA Nixon Mgr)

PROPERTY OWNER ADDRESS: 1122 DISCOVERY ST. YREKA 96097

PROJECT LOCATION: 215 MONTAGUE ROAD YREKA 96097

DESCRIPTION OF PROPOSED PROJECT: MOBIL COFFEE KIOSK WITH LIMITED
 FOOD MENU AND CRAFTED COFFEE + SPECIALTY DRINKS.

See attached letter for full description

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 \$3,070.00 if an Environmental Impact Report is prepared or \$2,210.25 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: _____, Manager

PROPERTY OWNER'S SIGNATURE: (REQUIRED) [Signature] Manager - Herzog Johnson, LLC

Property Owner's Acknowledgement of application submittal

***TO BE COMPLETED BY CITY STAFF:

*** DATE APPLICATION RECEIVED AS COMPLETE: _____

*** ZONE: _____

*** GENERAL PLAN DESIGNATION: _____

*** PERMIT NUMBER: _____

Humbug Joe, LLC
P. O. Box 881
Yreka, California 96097
John C. Nixon, Manager Tel: (916) 600-8235 Email: johnnixon64@gmail.com

January 31, 2016

City of Yreka Planning Commission
701 Fourth Street
Yreka, California 96097

Re: Humbug Joe Coffee Depot (Mobile Kiosk)

Dear Planning Commission Members,

Humbug Joe, LLC, which will do business as Humbug Joe Coffee Depot (“Humbug Joe”), has acquired a purpose-built mobile kiosk set on a tandem wheeled trailer. Humbug Joe intends to conduct business at 215 Montague Road, Yreka, by selling crafted coffee and some food items. The unit is 9’ wide x 16’ long (19’ long to the end of the tongue), and self-contained, but does not have a restroom. It will be served by a restroom in the existing on-site AmeriGas Propane, L.P. (“Amerigas”) building. The business will operate during the hours of 6:00 a.m. to 7:00 p.m., seven days per week (possibly fewer hours on weekends).

The unit will be connected to the existing utilities and draw power from a new metered service. The land is owned by Herzog Johnson, LLC. This company is an affiliate of applicant Humbug Joe (it is co-owned by some of the members of the applicant). As such, Humbug Joe has the landowner’s consent to operate on the site. Amerigas is the tenant, and this project has its approval, as well.

Humbug Joe does not anticipate commercial highway signage other than securing positions on the Caltrans signs for the interchange. We do not believe that meaningful additional traffic will be generated. Vehicles will, however, be crossing through the median for ingress and egress at the western-most driveway, as this is the only driveway that has broken yellow lines. Traffic is relatively light and at best only one car per three to five minutes will be exiting the site. The proposed onsite vehicle flow pattern will allow stacking of up to eight vehicles. There will be two employee parking spaces provided for a maximum of two employees per shift.

The entrance to the site is over land owned by Caltrans pursuant to an ingress-egress easement, and over an ingress-egress easement owned by the landlord, Herzog Johnson, LLC. The adjoining landowner to the east (the servient tenement of the easement) has been informed of the project and does not object to the prescribed use as it complies with the terms of the existing easement.

We understand that the Planning Commission must find that there is no material detriment to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or to property or improvements in the neighborhood, or to the general welfare of the City. This business will have no impact to the west as it is bordered by Yreka Creek, and no impact to the south as this land is undeveloped and the owner consents to the proposed use. The business will have only a positive impact to the east as the existing tenant will be allowed to remain and consents to (and is very much in favor of) the proposed use. The business can have only an extremely positive impact on the north, and all of Yreka, as the increased vitalization of this I-5 interchange – bringing food and beverage services to residents and tourists -- will be a net benefit to the City as a whole.

Very truly yours,

Humbug Joe, LLC

By: _____

John C. Nixon, Manager

STATE ROUTE 3
(MONTAGUE RD.)

35' WIDE ENTRY

Attachment B

N
W ↑ E
S

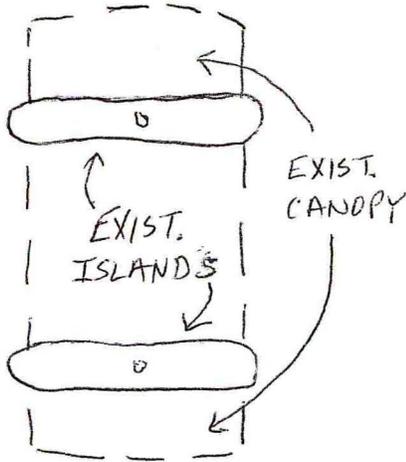
SCALE: 1" = 20'

EXIST. PAVEMENT

EXIST. PLANTER AREA

EXIST. 30' WIDE ESMT.

PROPOSED STRIPING
(to guide traffic flow)



EXIST. ISLANDS

EXIST. CANOPY

EDGE OF PAVEMENT

10' SET-BACK

PROPOSED KIOSK
(9' wide x 19' long)

PROPOSED EMPLOYEE PARKING
(max 2 per shift)

EXIST. PLANTER

EXIST. OFFICE/GARAGE

EXIST. TRASH ENCLOSURE

"HUMBUG JOE COFFEE DEPOT"
215 Montague Road, Yreka



CONDITIONAL USE PERMIT NO. 2016-12 CUP
FINDINGS & CONDITIONS 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 for the establishment and operation of a mobile drive-thru coffee kiosk 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 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 CT, Commercial Tourist zone which allows a mobile drive-thru coffee kiosk with validation of a conditional use permit as set forth in Section 16.34.070 (W) 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 & Section 15061 (b) (3) in that it is not a project, which has the potential for causing a significant effect on the environment of the CEQA Guidelines.

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

1. Permittee granted a permit for the establishment and operation of a mobile drive-thru coffee kiosk 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. All elements of the project application including site plan as approved shall be complied with.

3. Permittee shall obtain approval of all required public improvements through the Department of Public Works and its encroachment permit process for construction of and/or connection to any City sewer, water, or storm drain. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed. Site plan approval does not include approval of any public improvements.
4. Permittee shall construct driveway approach and sidewalks to meet current ADA standards. An encroachment permit shall be obtained from **Caltrans** prior to any work, including curb, gutter, sidewalk, driveway approach, and utility connections, in the Montague Road (State Route) right-of-way.
5. New utilities within the project, including, but not limited to, electric, cable television, and phone, shall be installed underground.
6. All commercial developments shall have backflow prevention devices on domestic and fire services as required by the City of Yreka Construction Standards.
7. Use shall be conducted in accordance with the site plan for the property located at 215 Montague Road, as approved by the Planning Commission on February 17, 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.
8. Adequate off-street parking facilities shall be provided as follows: One (1) space for each employee of the maximum working shift as set forth in Sections 16.54.020(A)(9) of the Yreka Municipal Code. For this project as submitted (1-2 employees per shift) 2 parking spaces are required. Off-street parking spaces will be in conjunction with existing business located at 215 Montague Road.
9. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons.
10. Permittee shall comply at all times with the zoning district regulations for a CT zone as set forth in Section 16.38 of the Yreka Municipal Code.
11. All landscaping shall be installed, maintained, and replaced as necessary. Water efficient irrigation system shall be installed for the landscaping per Yreka Municipal Code Section 16.52.030 (E).
12. Permittee shall submit a grading plan for review and approval by the Building Official prior to construction or any on-site grading.
13. Permittee shall submit a stormwater detention analysis for review and approval of the Director of Public Works and/or Building Official prior to start of construction or any on-site grading. 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. A Storm Water Pollution & Prevention Plan (SWPPP) may be required to comply with California State Law.
14. Permittee shall obtain a building permit and shall pay the necessary fees including Utility

Services, Impact and Connection 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, streetlights 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.

15. Exterior lighting shall be 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.

16. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject business of mobile drive-thru coffee kiosk.

17. Permittee shall comply with Yreka Municipal Code Section 11.01.075 - It shall be the responsibility of anyone engaging in construction or demolition work to restrict the hours of work activity on the site as follows: No construction equipment shall be operated nor any outdoor construction or repair work shall be permitted within five hundred feet from any occupied residence except during the hours of seven a.m. to seven p.m., Monday through Saturday, and eight a.m. to five p.m., on Sunday. Interior work, which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood, shall not be subject to these restrictions.

18. Permittee shall secure and maintain an annual City business license to operate a mobile drive-thru coffee kiosk after securing a Certificate of Occupancy from the Building Department & approval from Siskiyou County Health Department.

19. Permittee shall pave all driveway accesses from the project site onto Montague Road a minimum of 20 feet back from the back of the sidewalk.

20. Permittee shall install directional signage and arrows on pavement throughout the entire parking lot as approved on the site plan.

21. Exterior Mechanical equipment and/or HVAC units must be screened. Trash enclosure must contain opaque gates to screen visibility of the trash dumpster.

22. No signs shall be placed on the premises without first obtaining a sign permit.

23. The applicant shall submit a signed copy of the Conditions of Approval to the City of Yreka Planning Department.

24. 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.

25. The site plan approval shall expire and 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.

Required Signatures:

The applicant/owner hereby acknowledges receipt of the above conditions of approval, understands the terms, and agrees to comply with all conditions.

Printed Name (Property Owner)

Signature (Property Owner)

(Date) _____

Printed Name (Applicant)

Signature (Applicant)

(Date) _____

**PLANNING COMMISSION RESOLUTION PC 2016-7
APPROVING CONDITIONAL USE PERMIT # 2016-12 CUP
AT 215 MONTAGUE ROAD – ASSESSOR’S PARCEL NO. 053-642-110
APPLICANT: JOHN NIXON**

WHEREAS, John Nixon (applicant) has requested a Conditional Use Permit for the establishment and operation of a mobile drive thru coffee kiosk at 215 Montague Road, Yreka California, APN 053-642-110; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on February 17, 2016; 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 #2016-12 CUP, subject to the following conditions:

1. Permittee granted a permit for the establishment and operation of a mobile drive-thru coffee kiosk 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. All elements of the project application including site plan as approved shall be complied with.
3. Permittee shall obtain approval of all required public improvements through the Department of Public Works and its encroachment permit process for construction of and/or connection to any City sewer, water, or storm drain. Plans prepared by a registered civil engineer may be required for the Department of Public Works, in addition to the plans prepared for the Building Department, for any public infrastructure improvements that need to be constructed. Site plan approval does not include approval of any public improvements.
4. Permittee shall construct driveway approach and sidewalks to meet current ADA standards. An encroachment permit shall be obtained from **Caltrans** prior to any work, including curb, gutter, sidewalk, driveway approach, and utility connections, in the Montague Road (State Route) right-of-way.
5. New utilities within the project, including, but not limited to, electric, cable television, and phone, shall be installed underground.
6. All commercial developments shall have backflow prevention devices on domestic and fire services as required by the City of Yreka Construction Standards.
7. Use shall be conducted in accordance with the site plan for the property located at 215 Montague Road, as approved by the Planning Commission on February 17, 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.
8. Adequate off-street parking facilities shall be provided as follows: One (1) space for each employee of the maximum working shift as set forth in Sections 16.54.020(A)(9) of the Yreka Municipal Code. For this project as submitted (1-2 employees per shift) 2 parking spaces are required. Off-street parking spaces will be in conjunction with existing business located at 215 Montague Road.
9. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons.
10. Permittee shall comply at all times with the zoning district regulations for a CT zone as set forth in Section 16.38 of the Yreka Municipal Code.

11. All landscaping shall be installed, maintained, and replaced as necessary. Water efficient irrigation system shall be installed for the landscaping per Yreka Municipal Code Section 16.52.030 (E).
12. Permittee shall submit a grading plan for review and approval by the Building Official prior to construction or any on-site grading.
13. Permittee shall submit a stormwater detention analysis for review and approval of the Director of Public Works and/or Building Official prior to start of construction or any on-site grading. 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. A Storm Water Pollution & Prevention Plan (SWPPP) may be required to comply with California State Law.
14. Permittee shall obtain a building permit and shall pay the necessary fees including Utility Services, Impact and Connection 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, streetlights 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.
15. Exterior lighting shall be 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.
16. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the Uniform Building and Fire Codes prior to use of subject business of mobile drive-thru coffee kiosk.
17. Permittee shall comply with Yreka Municipal Code Section 11.01.075 - It shall be the responsibility of anyone engaging in construction or demolition work to restrict the hours of work activity on the site as follows: No construction equipment shall be operated nor any outdoor construction or repair work shall be permitted within five hundred feet from any occupied residence except during the hours of seven a.m. to seven p.m., Monday through Saturday, and eight a.m. to five p.m., on Sunday. Interior work, which would not create noise or disturbance noticeable to a reasonable person of normal sensitivity in the surrounding neighborhood, shall not be subject to these restrictions.
18. Permittee shall secure and maintain an annual City business license to operate a mobile drive-thru coffee kiosk after securing a Certificate of Occupancy from the Building Department & approval from Siskiyou County Health Department.

19. Permittee shall pave all driveway accesses from the project site onto Montague Road a minimum of 20 feet back from the back of the sidewalk.
20. Permittee shall install directional signage and arrows on pavement throughout the entire parking lot as approved on the site plan.
21. Exterior Mechanical equipment and/or HVAC units must be screened. Trash enclosure must contain opaque gates to screen visibility of the trash dumpster.
22. No signs shall be placed on the premises without first obtaining a sign permit.
23. The applicant shall submit a signed copy of the Conditions of Approval to the City of Yreka Planning Department.
24. 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.
25. The site plan approval shall expire and 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.

The foregoing Resolution was adopted by the Planning Commission on the 17th day of February 2016 by the following vote:

Ayes:
Nays:
Absent:

Matt Osborn, Chair

Attest:

Elizabeth Casson, City Clerk



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 an outside mobile food cart and seating in conjunction with the restaurant known as Serrano’s Mexican Grill located at 1009 S. Main Street, Yreka California.

Meeting date: February 17, 2016

Discussion:

The Planning Commission held a public hearing to review this application at their meeting scheduled January 20, 2016, at which time, Mr. and Mrs. John Nantz, owners of the adjacent property to the South located at 1015 S. Main Street, submitted a letter to the Planning Commission expressing their concerns over the parking. Since the applicant, Paula Rodriguez, was unable to attend the meeting, the Planning Commission moved to table this item to the next meeting of February 17, 2016. On January 21, 2016, the Planning Department received a letter from Donna Clair the owner of the adjacent property to the North located at 1001 S. Main Street, also expressing concerns over the parking. These letters are attached as Attachment F.

Staff notified the applicant of the action taken and discussed the proposed option of installing additional directional signage to direct customers to park in the designated parking lot located in the rear of the property. The applicant stated that she has directional signage on the fence to the parking lot as shown on Attachment E. Staff also discussed the possibility of moving the location of the “food cart” to the parking lot located in the rear of the property, however, the applicant stated that would not be a viable option. The applicant further stated that she would attend the meeting scheduled for February 17, to answer any questions regarding the proposed project.

At the direction of the Planning Commission, item #3, (page 2) “Directional signage” was added to the proposed conditions of approval (Attachment C).

Background:

The subject property is zoned C-H Commercial Highway YMC Section 16.36.070 provides that sales conducted outside of the building for a permitted use, requires a conditional use permit.

The applicant submitted the attached application for a Conditional Use Permit for the establishment and operation of an outside food cart and additional outside seating, in conjunction with the existing Restaurant located at 1009 S. Main. Upon review of the application, staff finds that the proposed use is in conformance with the applicable policies of the City of Yreka General Plan and is consistent with the applicable zoning provisions. With the conditions of approval, attached as Attachment “C”, the proposed use meets with the intent and requirements of the CH (Commercial Highway) zoning district.

Parking:

Yreka Municipal Code Section 16.54.020 (A)(5)(a) provides that adequate off-street parking facilities shall be provided as follows: One (1) space for each three seats plus one space for each employee of the maximum working shift, as set forth in Section 16.54.020 (A)(5)(a) of the Yreka Municipal Code. As submitted, the existing use of the property as a single-family residence, and separate Restaurant and the proposed new project will require a total of 15 parking spaces. (Two (2) spaces for residential parking, twelve (12) spaces for customer parking and one (1) space for each employee of the maximum working shift.) The Site Plan submitted depicts sixteen (16) parking available spaces, which meets code requirements.

Analysis:

The purpose of the Commercial Highway (CH) zoning district is intended to serve as the commercial land use zone district for areas outside of the commercial downtown district. Located along major roadways, this district provides a variety of commercial uses (YMC Chapter 16.36). A Conditional Use Permit is required to “allow sales conducted outside of the building for a permitted use”. 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 request meets the intent of the C-H zoning district.

Environmental Determination:

The Planning Department believes that the proposed project meets the requirements for an exemption from further review under 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. Review of the project with the Applicant.
3. 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 #2016-1, 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 #2016-1:

I move that the Planning Commission adopt Planning Commission Resolution #PC 2016-1 making the findings and subject to the Conditions of Approval presented as Attachment C, and approve Conditional Use Permit #2016-1, to allow the establishment and operation of a mobile food cart.

Attachments: Attachment A - Conditional Use Permit Application

Attachment B – Site Plan

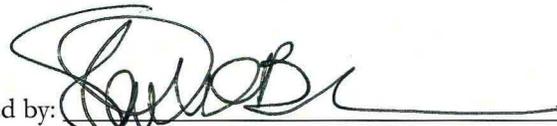
Attachment C – Findings and Conditions of Approval for CUP #2016-1

Attachment D – Planning Commission Resolution # PC 2016-1

Attachment E – Existing Directional Signage for Parking.

Attachment F - Letters from Nantz & Clair

Approved by:

A handwritten signature in black ink, appearing to read 'S. Baker', written over a horizontal line.

Steven Baker, City Manager

Attachment A

December 17, 2015

City of Yreka Planning Commission:

1009 S. Main Street # AP# 061-282-020

I Paula Rodriguez owner of Serrano's Mexican Grill would like to have permission to sell tacos in front of my building in the afternoons. I would place my hot dog cart, barbeque grill & four outside seats on the paved area in front of 1009 S. Main Street. I have 32 inside seats. One employee per working shift. I have 15 parking spaces & 1 ADA parking space available for my customers.



Paula Rodriguez
1009 S. Main Street.
Yreka, CA 96097
(530) 905-0844

DEC 17 2015

CITY OF YREKA
PLANNING DEPARTMENT APPLICATION

CITY OF YREKA

CITY FEES:

- Use Permit - Administrative approval.....\$ 75.00
- Minor Conditional Use Permit - P.C. approval..... \$150.00
- Moderate Conditional Use Permit - P.C. approval.....\$200.00
Plus site Plan Review if applicable
- Major Conditional Use Permit - P.C. approval...\$500.00 deposit/cost
- Public Hearing.....\$ 75.00 (Minimum fee) deposit/cost
- P.H. - Project notice circulation, 1-20 notices.....\$ 25.00
- P.H. - 21 or more notices.....\$25.00 plus 1.00/parcel over 20
- E.R. - Preliminary review.....\$ 50.00
- E.R. - Negative Declaration.....\$ 200.00 deposit/cost
- E.R. - Mitigated Negative Declaration..... Actual cost
- Environmental Impact Report..... Actual cost
- Site Plan Review - (No Use permit required)...\$ 200.00 deposit/cost
- Site Plan Review - (Use permit required).....\$ 200.00 deposit/cost
- Lot Line Adjustment (BLA) - Administrative approval.....\$ 200.00
See separate application form for Lot Line Adjustment (BLA)
- Annexation.....\$ 750.00 deposit/cost
- Appeals - Planning Commission.....\$ 100.00
- Appeals - City Council.....\$ 150.00 plus publication
- Certificates of Compliance.....\$250.00 deposit/cost
- Reversion to Acreage.....\$ 500.00 deposit/cost
- General Plan Amendment..... \$ 750.00 deposit/cost
- Rezone..... \$ 750.00 deposit/cost
- Planned Unit Development\$ 750.00 deposit/ cost
- Variance.....\$250.00 deposit/cost
- Other \$ _____

STATE FISH AND WILDLIFE FEES*:

- County Clerk Processing Fee\$ 50.00 actual cost
- Fish and Wildlife fee * \$ _____
- Other \$ _____

DATE: 12-10-15 ASSESSOR'S PARCEL NUMBER: 061-282-020

APPLICANT: Paula Rodriguez TELEPHONE NUMBER: 905-0844

APPLICANT ADDRESS: 1009 S. Main St

IF OTHER THAN APPLICANT, NAME OF PROPERTY OWNER: Paula Rodriguez

PROPERTY OWNER ADDRESS: 1009 S. Main St

PROJECT LOCATION: 1009 S. Main St

DESCRIPTION OF PROPOSED PROJECT: Permitting to sale Tacos in front of my restaurant. 30 seats and 20 parking spaces. w/ 4 outside seats See Attached letter

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 \$3,069.75 if an Environmental Impact Report is prepared or \$2,210.00 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: _____

PROPERTY OWNER'S SIGNATURE: (REQUIRED) _____

Property Owner's Acknowledgement of application submittal

TO BE COMPLETED BY CITY STAFF:

*** DATE APPLICATION RECEIVED AS COMPLETE: _____

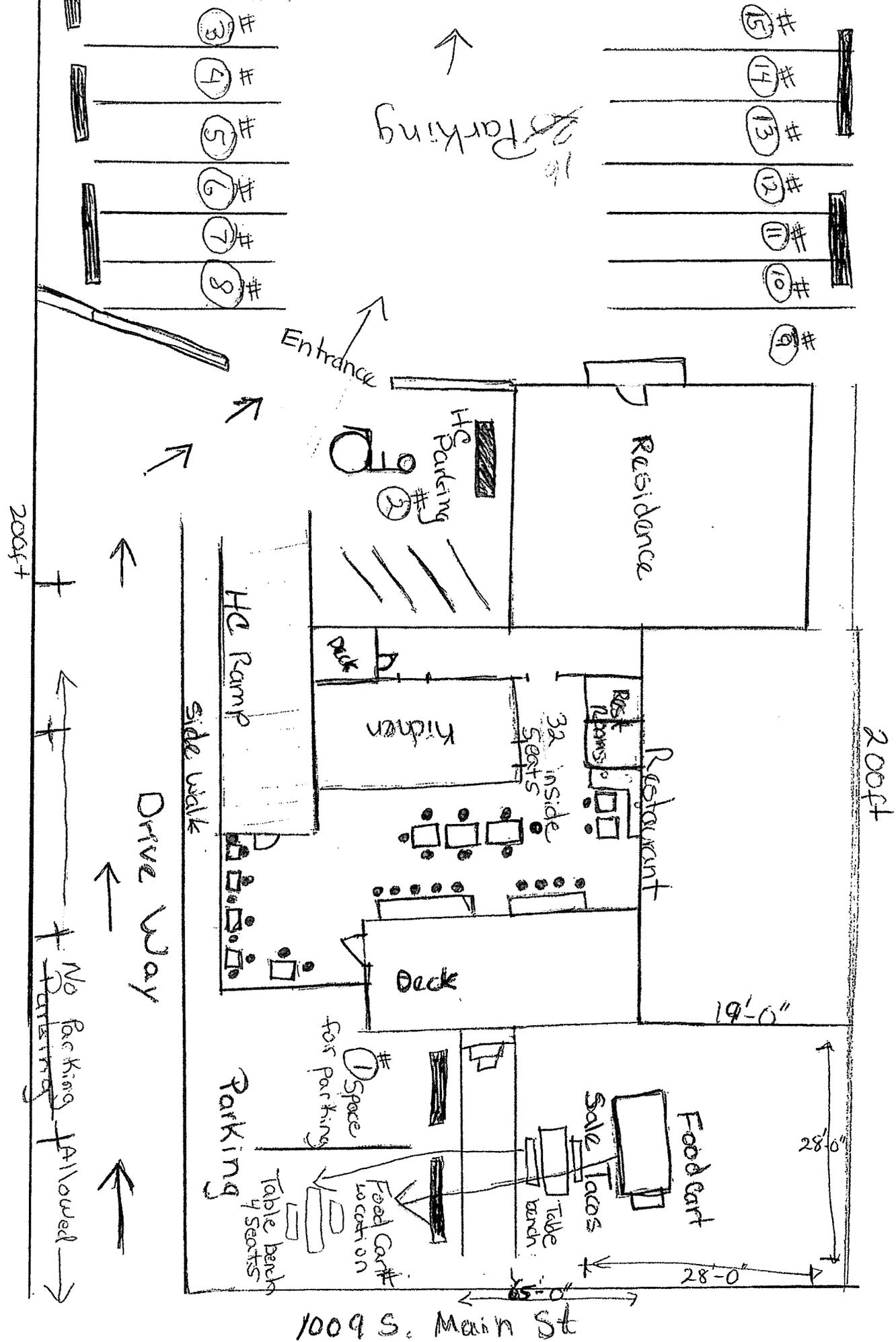
*** ZONE: CH

*** GENERAL PLAN DESIGNATION: GC

*** PERMIT NUMBER: 2016-081-CUP

1/6/14

Paula Ringer
Serrano Mexican Grill
1100 S. Main St



Attachment B - Site Plan

1009 S. Main Street,
Yreka, California
Serrano's Mexican Grill



The proposed mobile food cart will be placed
in the paved area in front of the restaurant

CONDITIONAL USE PERMIT NO. # 2016-1 CUP
FINDINGS & CONDITIONS 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 continue the operation of the business of a restaurant with residential use and the addition of sales conducted outside of the building (mobile taco food cart) 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 CH, Commercial Highway zone which allows a commercial use of sales conducted outside of the building for a permitted use upon approval and validation of a conditional use permit as set forth in Section 16.36.070 (U) 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 continue the operation of the business of a restaurant with the seating capacity of 32 along with residential use and the addition of sales conducted outside of the building (mobile taco food cart) with the additional seating capacity of 4 - located at 1009 S. Main Street, APN: 061-282-020.

2. Adequate off-street parking facilities shall be provided as follows: One (1) space for each three seats plus one space for each employee of the maximum working shift, as set forth in Section 16.54.020 (A)(5)(a) of the Yreka Municipal Code. As submitted, the project requires a total of 15 parking spaces, 2 spaces for residential parking, 12 spaces for customer parking and 1 space for each employee of the maximum working shift. Site plans shows 16 parking spaces are available.
3. Permittee shall install a directional sign on the front of the building directing customers to the designated parking area in the rear of the property.
4. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided 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 accordance 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. A minimum of one (1) accessible parking space is required for a parking lot with 1 to 25 parking spaces.
6. Use shall be conducted in accordance with the application as submitted for the property located at 1009 S. Main Street, as approved by the Planning Commission on January 20, 2016.
7. Improvements for Outdoor Sales. The outdoor sales areas shall be paved with a minimum six-inch (6") base and double chip sealed, dustless surface in accordance with Section 16.36.080 of the Yreka Municipal Code.
8. Permittee shall comply at all times with the zoning district regulations for a *CH, Commercial Highway* zone as set forth in section 16.36 of the Yreka Municipal Code.
9. 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.
10. No signs shall be placed on the premises without first obtaining a sign permit.
11. No portable pop up canopy/gazebo quick shade accessory cover permitted in this outside sales area.
12. Permittee shall provide the city with verification of compliance with Siskiyou County Public Health Department requirements.

new
*

13. Permittee shall maintain an annual City business license to carry on the business of a restaurant.
14. 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.

Required Signatures:

The applicant/owner hereby acknowledges receipt of the above conditions of approval, understands the terms, and agrees to comply with all conditions.

Printed Name (Property Owner)

Signature (Property Owner)

(Date)

Printed Name (Applicant)

Signature (Applicant)

(Date)

**PLANNING COMMISSION RESOLUTION PC 2016-1
APPROVING CONDITIONAL USE PERMIT # 2016-1 CUP
AT 1009 S. MAIN STREET – ASSESSOR’S PARCEL NO. 061-282-020
APPLICANT: PAULA RODRIGUEZ**

WHEREAS, Paula Rodriguez (applicant) has requested a Conditional Use Permit for the establishment and operation of a mobile food cart at 1009 S. Main Street, Yreka California, APN 061-282-020; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on January 20, 2016; 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 #2016-1 CUP, subject to the following conditions:

1. Permittee granted a permit to continue the operation of the business of a restaurant with the seating capacity of 32 along with residential use and the addition of sales conducted outside of the building (mobile taco food cart) with the additional seating capacity of 4 -

located at 1009 S. Main Street, APN: 061-282-020.

2. Adequate off-street parking facilities shall be provided as follows: One (1) space for each three seats plus one space for each employee of the maximum working shift, as set forth in Section 16.54.020 (A)(5)(a) of the Yreka Municipal Code. As submitted, the project requires a total of 15 parking spaces, - 2 spaces for residential parking, 12 spaces for customer parking and 1 space for each employee of the maximum working shift. The Site Plan submitted by applicant depicts sixteen (16) parking spaces are available.
3. Permittee shall install a directional sign on the front of the building directing customers to the designated parking area in the rear of the property.
4. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided 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 accordance 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. A minimum of one (1) accessible parking space is required for a parking lot with 1 to 25 parking spaces.
6. Use shall be conducted in accordance with the application as submitted for the property located at 1009 S. Main Street, as approved by the Planning Commission on January 20, 2016.
7. Improvements for Outdoor Sales. The outdoor sales areas shall be paved with a minimum six-inch (6") base and double chip sealed, dustless surface in accordance with Section 16.36.080 of the Yreka Municipal Code.
8. Permittee shall comply at all times with the zoning district regulations for a *CH, Commercial Highway* zone as set forth in section 16.36 of the Yreka Municipal Code.
9. 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, streetlights 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.

10. No signs shall be placed on the premises without first obtaining a sign permit.
11. No portable pop up canopy/gazebo quick shade accessory cover permitted in this outside sales area.
12. Permittee shall provide the city with verification of compliance with Siskiyou County Public Health Department requirements.
13. Permittee shall maintain an annual City business license to carry on the business of a restaurant business.
14. 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 17th day of February 2016 by the following vote:

Ayes:
Nays:
Absent:

Matt Osborn, Chair

Attest:

Elizabeth Casson, City Clerk

Attachment E - Parking Lot
directional signage

Serrano's
-PARKING- →



Attachment F

Ref: Conditional Use Permit application dtd January 6, 2016

1. As the owner of the property at 1015 S. Main St. and just to the south of the applicant's property, we reviewed the referenced Use Permit submitted by the applicant and we find the (1) Satellite Earth map is incorrect and (2) the Plat Plan submitted by the applicant that shows the driveway layout and property line is incorrect and misleading. Each of these findings will be addressed further.

(1) Satellite Earth map: The red line that purports to show the property at 1009 S. Main St. is incorrect in that both the north and south boundary lines are too far south by approximately 15 feet. The southern line is about 15 feet onto our property.

(2) Applicant's Plat Plan

The Drive Way shown on the drawing is incorrect on three counts:

(A) The Plan shows the driveway to include the full width along the north side of our building. The implication on the drawing is that the applicant owns the entire driveway width and the parking spaces are hers. The City staff in their review made a partial correction and crossed out the parking spaces, wrote "No Parking"; however, it needs to be noted that the "No Parking" notation is only for the applicant's business as those parking spaces belong to our property.

(B) Parking spaces not belonging to the applicant: The number of parking spaces shown on the north side of our building are not available for the applicants' use. These parking spaces are on our property and were required to meet the City code requirements for off street parking.

(C) There is a driveway easement that is not shown: The implication the applicant makes with the Plan drawing is that the applicant owns the full width of the driveway and this is incorrect. The applicant only has a 4.5 foot easement (easement not shown) on the south side of the property line while we have an easement on the north side of the property line. A drawing to this effect is in the Yreka City files for our property.

With regard to the parking spaces along the north side of our building, these are part of the mandated requirement at the time our building was constructed. Since the City has mandated us to have a certain number of parking spaces for our building customers we cannot allow others to consider them for use. The parking spaces are signed for no parking.



Since the City requires so many X# parking spaces for a particular business, there is a major cost in providing off-street parking spaces due to the cost of the land, the development cost of the parking area, the associated landscaping, and the annual cost of maintaining the parking area due to renewed striping (water-based paint doesn't hold up), cleaning of the parking surface, and maintenance of the landscaping (tree pruning and fall leaf removal), liability insurance, and last but not least, property taxes. This cost is significant!

Besides the above mentioned acquisition, construction, and maintenance costs, the "taking" of any of those City required spaces by non-customers effectively reduces the attractiveness of valid customers to park there, ergo, there is a financial loss due to the use of these spaces by others not doing business on that property.

Additionally, besides the loss of business, there is the wear and tear of the use (wearing of water-based paint stripping), damage to improvements (running into trees), and litter (paper wrappers and the like). The CONCLUSION is that, in fact, THERE IS A "MATERIAL DETRIMENT" due to others who are NOT customers in using the parking spaces of someone else's business.

End of review.

John Nantz

TO: Planning Commission, City of Yreka

20 January 2016

FROM: John Nantz, property owner 1015 S. Main Street

RE: Conditional Use Application
Paula S. Rodriguez 1009 S. Main, Yreka

Addendum :

In the past there have been numerous incidents where the invitees/customers of the Applicant have used our parking spaces.

Since the City has mandated us to have a certain number of parking spaces available for our customers we cannot allow customers of adjacent businesses to use them and therefore deprive us of the necessary parking spaces.

The applicants parking lot is located in the rear part of her property and rather difficult for some of her customers to find. It is therefore requested that the applicant remedy this situation to avoid impacting our property.

In checking Planning commission records we found documentation of recurring failures of the applicant to fulfill requirements of Planning commission requirements that are stipulated in approvals. Based on the history of the applicant it will be necessary to mandate clear and concise requirements for the applicant to adhere to in order to comply with City of Yreka codes and not adversely affect our parking situation.

According to Planning Commission Resolution PC 2016-1, Page 1, # 2
"The proposal will not be materially detrimental to property or improvements in the neighborhood"

Unfortunately we cannot agree with this statement.

With the addition of outside sales, the mobile taco foodcart and extra seating, there will be more traffic and demand for parking spaces than currently, therefore being materially detrimental to our property.

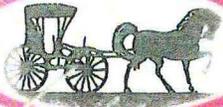
We therefore ask the Planning Commission members to take the time to look at the evidence provided by us and to take into consideration the materially detrimental impact on our property this approval would have, before making a final decision. .

Should the planning commission still consider approval, we trust that the problems with the current parking situation and its detrimental impact will be addressed therein and the applicant ordered to remedy this situation.

Thank you for your consideration,

John Nantz
Property owner
1015 S. Main Street, Yreka

COPY



HERITAGE PROPERTIES

1001 S. Main Street . Yreka, California 96097

DRE Lic. # 00553089

Office: (530) 842-9300

FAX: (530) 842-2083

Attachment F

RECEIVED

JAN 21 2016

CITY OF YREKA

January 14, 2016

City of Yreka
701 Fourth Street
Yreka, CA 96097

RE: Permit for BBQ wagon

Dear Sirs:

I object to the approval of this based on parking issues that are a problem now and I feel that this will create even more.

Currently I have people parking in my parking lot and walking over to the restaurant. If you allow a BBQ Wagon out front we are going to have people taking our parking out front on Main Street as well as invading my parking lot.

Please do not allow this.

Donna Clair
Broker/Owner

COPY