

MINUTES OF THE REGULAR MEETING OF THE  
YREKA PLANNING COMMISSION HELD  
ON THE 20<sup>th</sup> OF JANUARY 2016

On the 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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  $\frac{3}{4}$ " – (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 20<sup>th</sup> 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 20<sup>th</sup> 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.

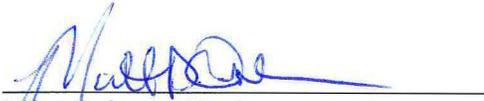
There being no more statements or comments received, Vice Chair McCoy closed the public hearing and discussion was open to the Commission.

Commissioner Leal made a motion to table this application for the February 17<sup>th</sup>, 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