

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Siskiyou

311 Fourth Street, Room 201

Yreka, CA 96097

From: (Public Agency): City of Yreka

701 4th Street

Yreka, CA 96097

(Address)

Project Title: Zoning Ordinance Creation and Amendment: Chapters 16.12, 16.46, 16.59 " Nonconforming Lots, Uses, and Structures "

Project Applicant: City of Yreka

Project Location - Specific:

City-wide

Project Location - City: Yreka

Project Location - County: Siskiyou

Description of Nature, Purpose and Beneficiaries of Project:

Amendments to the City of Yreka Zoning Code to update findings, establish due process procedures and comply with current state and federal case law concerning legally, existing nonconforming lots, uses, and buildings.

Name of Public Agency Approving Project: City of Yreka

Name of Person or Agency Carrying Out Project: Juliana Lucchesi, AICP

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15061(b)(3) "General Rule"
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The proposed amendments were found to not have any foreseeable direct or indirect impacts to the environment; therefore, the proposed amendments would not be considered a " project " under CEQA. This is called a General Rule exemption under CEQA Guidelines Section 15061(b)(3).

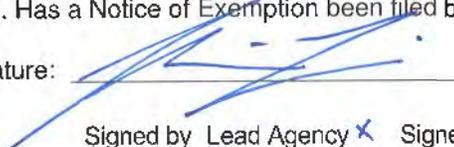
Lead Agency

Contact Person: Juliana Lucchesi, AICP

Area Code/Telephone/Extension: 530-841-2324

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ■ Yes No

Signature:  **Date:** 6/8/2022 **Title:** Planning Director

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

ORDINANCE NO. 868

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA
STRIKING SECTIONS 16.12.680, 16.46.120, 16.46.130, AND 16.54.120 OF
THE YREKA MUNICIPAL CODE, CREATING CHAPTER 16.59
NONCONFORMING LOTS, USES, AND STRUCTURES AND FINDING
THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA**

Recitals

BE IT ORDAINED by the City Council of the City of Yreka as follows:

SECTION 1. Sections 16.12.680, entitled Nonconforming building or use, Sections 16.46.120 entitled Nonconforming uses, Section 16.46.130 entitled Nonconforming buildings, and Section 16.54.120 entitled Effect of chapter on existing use, Section 16.47.070 entitled Conflicting laws, Section 16.47.170 entitled conflicting laws, Section 16.47.180 entitled Severability, Section 16.47.190 entitled Environmental review, Section 16.47.100 entitled Effective date, Section 16.47.110 entitled Posting and publication, and Section 16.47.120 entitled Codification, of the Yreka Municipal Code are deleted in their entirety and supplanted and there is added Chapter 16.59 entitled Nonconforming Lots, Uses and Structures, as follows:

NONCONFORMING LOTS, USES, AND STRUCTURES

16.59.010 Purpose.

A. This Chapter is intended to limit the number and extent of nonconforming uses by prohibiting or limiting their enlargement, their re-establishment after abandonment, and the alteration or restoration after destruction of the structures. More specifically, an intent of this Chapter is to:

1. Limit the number and extent of nonconforming structure by prohibiting their relocation, alteration, or enlargement in a manner that would increase the non-conformity; and
2. Prohibit restoration of non-conforming uses and structure after destruction.
3. Prohibiting the non-conforming use whenever the non-conforming use ceases for a period of at least twelve (12) calendar months.

B It is also intended to provide direction and guidance for the recognition of legally existing nonconforming uses, lots, and structures. Within the zoning districts established by zoning ordinance, structures, lots, and land uses exist that were lawful prior to the adoption or amendment of the zoning ordinance, but which would be prohibited, regulated, or restricted

differently under the terms of this title or future amendments. It is the intent of this chapter to encourage the eventual conversion of these uses, lots, and structures to a conforming status and to permit them to exist in the interim under the conditions under which they were established.

16.59.020 Nonconforming uses.

A. A use lawfully occupying a structure or a site, that does not conform with the present use regulations or the performance standards for the zone in which the use is located shall be deemed to be a non-conforming use and may be continued, except as otherwise provided in this Chapter.

B. A non-conforming use may be enlarged or extended only within the structure in which the non-conforming use exists, provided no structural alterations, except those required by law are made.

C. A non-conforming use which fails to meet state and local laws, ordinances, and regulations applicable to the zone in which it is located shall not be enlarged or extended or have equipment replaced that results in failure to meet then applicable requirements unless the enlargement, extension, or replacement will result in elimination of nonconformity with those applicable requirements.

D. Whenever a nonconforming use has been discontinued for a continuous period of twelve (12) or more, the nonconforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the zone in which it is located. Discontinuation shall include cessation of a use regardless of intent to resume the use unless the Planning Director is notified in writing of the intent to resume and has approved a schedule for resumption of said use.

E. Whenever a nonconforming use has been changed to a conforming use, the nonconforming use shall not be re-established.

16.59.030 Nonconforming lots.

Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded with the County Assessor's office may be used for the purposes permitted by this title notwithstanding the minimum lot area, lot width and lot depth required.

16.59.040 Nonconforming structures and buildings.

A. A structure, lawfully occupying a site, that does not conform with the current property development standards for front yard, side yards, rear yard, height, coverage, or distances between structure, for the zone in which the structure is located, shall be deemed to be a non-conforming structure and may be used and maintained, except as otherwise provided in this Chapter.

B. Routine maintenance and repairs may be performed on a structure or site, the use of which is non-conforming, and on a non-conforming structure.

C. A structure, the use of which is non-conforming, shall not be moved, altered, enlarged, or extended unless required by law, or unless the moving, alteration, extension, or enlargement will result in the elimination of the nonconformity, except as permitted in this Chapter. However, the alteration or expansion of the non-conforming use may be granted through the conditional use permit process as provided in Chapter 16.44 YMC. This provision shall not require a conditional use permit to alter dwelling units to achieve compliance with City, State, and Federal regulations intended to create and maintain equitable housing (such as the Americans with Disabilities Act)

D. If moved, the structure shall be made to conform to current local, State, and Federal codes.

E. Whenever a structure which does not comply with the then applicable property development standards for front yard, side yards, rear yard, height of structures, or distances between structures prescribed in the zone in which the structure is located, or the use of which does not conform with the performance standards for the zone in which it is located, is destroyed by fire, or other calamity, by the act of god, or by the public enemy to the extent of fifty (50) percent or less, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within one (1) year and diligently pursued to completion. When the destruction exceeds fifty (50) percent or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the property development standards for the zone in which it is located, and the nonconforming use shall not be resumed.

E. Nonconforming Site Improvements (Not Including Structure). Where an existing site improvement (landscaping, parking lot layout, etc.) is nonconforming with the current regulations related to such, nothing in this section shall prohibit minor site improvements that result in the reduction of this nonconformity.

16.59.050 Exemptions.

A. Equitable Housing Exemption. Any existing nonconforming building or structure that is rehabilitated under a housing rehabilitation program for the benefit of low-income persons may be repaired, reconstructed, or structurally altered without being brought into full compliance with the regulations set forth in this code with regard to setbacks, off-street parking, and street improvements so long as the footprint of the existing building is not expanded.

B. Agriculture, Timber, and Mineral Production Exemption. Nonconforming agriculture, timber production, and mineral resource production uses are exempt from conforming to current zoning regulations, unless the use is abandoned for more than twenty-four (24) consecutive calendar months.

16.59.060 Illegally existing nonconforming uses, lots, and structures.

Uses of land, lots, or structures that were created in violation of the Yreka Municipal Code, state law, federal law, zoning ordinance, subdivision regulations, or building code in effect at the time the use was established are presumed to be in violation of the current regulations

and illegally existing. The land use must be brought into conformance with the standards of this code, not the code in effect at the time the use was illegally initiated.

SECTION 2. Any provisions of the Yreka Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3. Exemption from CEQA. The action taken in this Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) such approval does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Council directs City staff to file a Notice of Exemption within five (5) days following adoption of this Ordinance with the Siskiyou County Clerk.

SECTION 4. Severability. If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the application thereof, shall not be effected thereby but shall remain in full force and effect, it being the intention of the City Council to adopt each and every section, subsection, part, clause, sentence phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall take effect thirty days after its adoption.

SECTION 6. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and sign any documents necessary to implement this Ordinance.

SECTION 7. Publication. The City Clerk is directed to prepare, post and publish a summary of this ordinance as provided in Government Code Section 36933(c)(1).

SECTION 8. Codification. The City Clerk is directed and authorized to instruct the publisher of the City of Yreka Municipal Code that codification of this Ordinance is limited to Section 1.

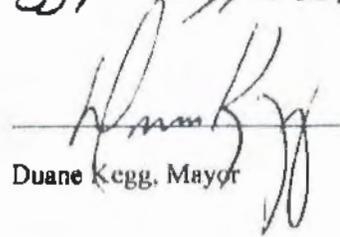
SECTION 10. Execution. The Mayor and City Clerk are authorized to subscribe this ordinance where indicated below to evidence its approval.

Introduced at a regular meeting of the City Council held 17th Day of May 2022, and adopted as an ordinance of the City of Yreka at a regular meeting of the City Council held on June 7, 2022 by the following vote:

AYES: Baird, Smith, Freeman, Kegg, McCoy, Middleton

NOES: None.

ABSENT: None.



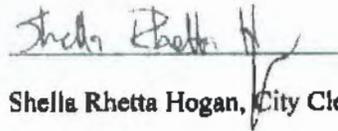
Duane Kegg, Mayor

APPROVED AS TO FORM

Attest:



Dohn Henion, City Attorney



Shella Rhetta Hogan, City Clerk