

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 Amendment: Chapter 16.44 Conditional Use Permit

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 conditional use permits.

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: [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. 867

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA
AMENDING YREKA MUNICIPAL CODE CHAPTER 16.44 ENTITLED
“CONDITIONAL USE PERMIT” 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, Chapter 16.44 Sections 16.44.010 entitled Conditional Use Permits, 16.44.020 entitled Application, 16.44.030 entitled Public Hearing, 16.44.040 entitled Action by Commission, 16.44.050 entitled Revocation of conditional permits, § 16.44.060 entitled Modification of site plan for which a conditional use permit has been granted, and § 16.44.070 entitled Conditional use permits within any historic district, landmark, or landmark site of the Yreka Municipal Code are deleted in their entirety and supplanted and there is that added section 16.44.080 as follows:

Chapter 16.44 CONDITIONAL USE PERMITS

16.44.010 Purpose

The purpose of this Chapter is to establish a procedure for conditionally approving or denying land uses, including related structures, that are not clearly permitted or prohibited because of their unique nature. Such uses and related structures would only be approved if their effect on the surrounding environment can be made acceptable through the application of conditions of approval.

Conditional uses are characterized by their potential to generate certain types of impacts, depending upon where the use is located, how it is designed, and how it is operated. These uses require a higher level of review than a permitted use, or use-by-right, in order to ensure that the use is appropriate as proposed and designed for the zoning district. The conditional use permit process enables the decision-maker to determine whether the use is appropriate for its proposed location, to review its design and site layout to minimize or eliminate impacts, and to impose conditions of approval to ensure the use will be compatible with the surrounding area and with adjacent uses. The conditional use permit can also serve as one approval, incorporating a design review approval, for instance, and eliminating the need for separate applications and review.

The regulations of this chapter are established to achieve the following purposes:

- A. To provide flexibility within zoning districts in siting certain types of uses and in determining whether a use, as proposed, would be appropriate for a particular location;

- B. To establish a process to authorize a conditional use and impose reasonable conditions of approval upon the project that will minimize or eliminate potential impacts;
- C. To ensure that conditional uses are consistent with the goals, objectives, and policies of the General Plan, the Zoning Ordinance, and the Development Code;
- D. To protect the public health, safety, and welfare by ensuring that the conditional use is compatible with existing and future surrounding uses;
- E. To streamline the review process by providing for the concurrent processing of associated applications, such as a planned development or a design review, thereby eliminating the need for separate applications and submittals.

16.44.020 Application and Review Process

- A. Application Checklist. The application submittal shall contain all of the materials and information as required by the Planning Department's approved conditional use permit checklist.
- B. Application fee. The City's conditional use permit application fee shall be paid at the time of application submission to the Planning Department. The conditional use permit application fee shall be set by City Council resolution.
- C. In addition to all other information required by the application, the Conditional Use Permit Application shall be accompanied by building plans, elevations, landscaping plan, and a site plan required by Chapter 16.52, showing the detail of the proposed use of land and/or building.
- D. The applicant shall submit the application to the Planning Department. The Planning Department shall have 30 calendar days to review the application and provide notice to the applicant whether the application is complete or requires additional information:
 - 1. If the Planning Department determines that the application is incomplete, the Department will notify the applicant of the application's deficiencies. The applicant will have a maximum of ninety (90) calendar days from the date of the notification letter to correct the deficiencies. If the applicant fails to provide further response or correction, the application process is deemed to have lapsed at the expiration of the ninetieth day.
 - 2. If the Planning Department determines that the application is complete, the proposed conditional use permit will be reviewed for environmental compliance with the California Environmental Quality Act (CEQA). Upon completion of the environmental review, the Planning Department shall schedule a public hearing with the Planning Commission no more than 15 days after completing environmental compliance.

16.44.030 Public Hearing.

A public hearing by the Planning Commission shall be held and noticed in compliance with Government Code Sections 65090 through 65096.

16.44.040 Findings and Review Procedures

The Planning Commission must make the following findings to grant a conditional use permit:

1. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the transportation and service facilities, the neighborhood, and the community. The following shall be considered to make this finding:
 - a. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the areas; and
 - b. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and
 - c. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.
2. Such use or feature as proposed will not adversely impact the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
 - a. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures, so that the subject site is physically suitable for the type, density, and intensity of the use and related structures being proposed.;
 - b. The accessibility and traffic patterns for persons, non-motorized vehicular traffic, and vehicles, the type and volume of such traffic, the adequacy of proposed off-street parking and loading, and of proposed alternatives to off-street parking;
 - c. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust, and odor;
 - d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting, and signs; and
 - e. Will not be injurious to property or improvement in the neighborhood.
3. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the implementation of the General Plan; and
4. Such use or feature are not contrary to the stated purpose of the applicable zoning district, specific plan, development regulations, and performance standards as proposed and will provide development that is in conformity with the stated purpose of the applicable zoning district, specific plan, and planned unit development.
5. That adequate public facilities and services, such as public access, water, sanitation, and public utilities are available to serve the site or will be made available concurrent with the proposed development.
6. Such use or feature as proposed will not reduce or prevent the expansion of the City's residential unit inventory.

16.44.050 Conditions of Approval

- A. When authorizing a Conditional Use Permit as provided herein, the Planning Commission, or the City Council on appeal, shall prescribe such additional conditions, beyond those specified in this Code, as are in its opinion necessary to facilitate the objectives of the Code. Once any portion of the authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative.
- B. The violation of any condition contained in the Conditional Use Permit constitutes a material violation of that permit and this Code and may, at the discretion of the City, constitute grounds for revocation of the Conditional Use authorization. Such conditions may include time limits for exercise of the Conditional Use authorization; otherwise, any exercise of such authorization must commence within a reasonable time.
- C. The Planning Director, or designee, shall have the discretion to authorize minor changes in any condition previously imposed in the authorization of a conditional use. Authorization of a major change in any condition previously imposed in the authorization of a conditional use permit is subject to the same procedures which are applicable to the issuance of a new conditional use permit.
- D. The definition of a “minor” change for the purposes of Section 16.44.050(c), for example, may be a change in the timing of implementation of a condition, location of proposed structures on the site if the change in location does not impact traffic patterns or access, and changes to façade, signage, or lighting.
- E. The definition of a “major” change for the purposes of this Section 16.44.050(c), for example, is any change that adversely impacts the overall traffic flow on or around the property, any change that would exceed the capacity of public facilities and services or a change that would conflict with the findings prescribed in Section 16.44.040.

16.44.060 Appeals

In case the applicant determines to contest the decision of the Planning Commission relating to the permit they may, within ten (10) calendar days after the rendition of the decision thereon by the Commission, appeal in writing to the City Council pursuant to Yreka Municipal Code Section 16.14.030.

16.44.070 Revocation of conditional permits.

- A. Any conditional use permit issued is lapse and is automatically revoked and terminated if not used within one year from the date of approval, or in the event the use permitted is abandoned or not utilized for a period of one year. Notwithstanding the foregoing, upon submission of a written request by the holder of the conditional use permit prior to termination of the use permit, the Planning Director shall have the discretion to extend any such conditional use permit for a period of one year or less if there is reasonable justification for not utilizing the permit as required by this section.
- B. Any conditional use permit granted in accordance with the terms of this title may be revoked if any condition or term of such permit is violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds that the continuance of the conditional use permit will endanger the public health, safety or welfare.

- C. The Planning Commission shall hold a hearing on any proposed revocation after giving written notice to the permittee at least ten (10) days prior to the hearing. The permittee may at such hearing present any relevant evidence or testimony in opposition to the underlying basis asserted to revoke the permit. The Planning Commission shall render its decision within thirty (30) days of said public hearing supported by written findings in the event the permit is revoked. Any failure of the Planning Commission to timely act shall not be deemed denial of the petition for permit revocation. The decision of the Planning Commission may be appealed pursuant of the provisions in Yreka Municipal Code Section 16.14.030. The decision of the City Council shall be final.

16.44.080 Conditional use permits within any historic district, landmark, or landmark site.

Any application for a conditional use permit required or permitted pursuant to the terms of this title which visually impacts the exterior appearance of any property or structure within a historic district, landmark, or landmark site established pursuant to Title 17 of the Yreka Municipal Code, shall first be reviewed and considered by the Historic District and Landmarks Commission prior to consideration thereof by the Planning Commission.

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

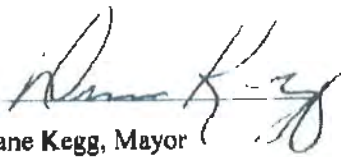
Introduced at a regular meeting of the City Council held 17th day of May 2022, and adopted as an ordinance of the City of Yreka at a regular meeting of the City Council held on June 7, 2022 by the following vote:

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

NOES: None.

ABSENT: None.

ABSTAIN: None.




Duane Kegg, Mayor

APPROVED AS TO FORM

Attest:



Dohn Henion, City Attorney



Shella Rhetta Hogan, City Clerk