

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: Chapter 16.57 " Rezoning and Zoning Text Amendments "

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 create an ordinance containing information on findings, establish due process procedures and comply with current state and federal case law concerning rezonings and zoning text amendments.

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).

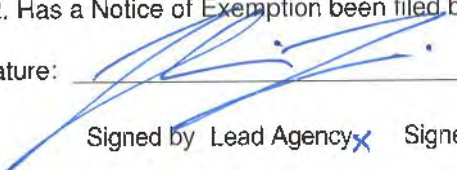
Lead Agency

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. 869

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YREKA ADDING A CHAPTER 16.57 TO THE YREKA MUNICIPAL CODE IN ENTITLED "REZONING AND ZONING TEXT AMENDMENT PROCEDURE" AND FINDING THE ADOPTION OF THIS ORDINANCE TO BE EXEMPT FROM CEQA

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

SECTION 1. CHAPTER 16.57 entitled "Rezoning and Zoning Text Amendment Procedure" is hereby added to the Yreka Municipal Code as follows:

Chapter 16.57 REZONING AND ZONING TEXT AMENDMENT PROCEDURE

16.57.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the Rezoning and Zoning Text Amendment Procedure. The purpose of these provisions is to prescribe the procedure by which changes may be made in the text of the zoning regulations and in the application thereof to specific properties. This procedure shall apply to all proposals to rezone property, to change the text of the zoning regulations, or to establish, amend, or delete any development control map.

16.57.020 No Council action without Planning Commission recommendation.

Action by the City Council to rezone any property, change the text of any provision of the zoning regulations, or establish, amend, or delete any development control map, not previously considered by the Planning Commission shall first be referred to the Planning Commission for its report and recommendation.

16.57.030 Initiation.

A. Private Party Initiation. The owner of any property, or their authorized agent, may make application to the Planning Commission to rezone such property, to amend or delete any development control map applicable thereto by fully completing the forms provided by the Planning Department, signed by the legal owner(s) of property affected by the proposed amendment, and shall include the filing fee set by the city.

B. Agency Initiation. The Planning Commission may, and upon request of the City Council shall, initiate action to rezone or reclassify any property, to change the text of the zoning regulations, or to establish, amend, or delete any development control map. The action may also be initiated by the Planning Director. Such initiation shall be for the purpose of reviewing the merits of the proposal and shall not imply advocacy by the Commission for the rezoning or other change. A City Council or Planning Commission initiated process is exempt from Section 16.57.040.

16.57.040 Application and Review Process

A. Application Checklist. The application submittal shall contain all of the materials required by the rezoning/zoning text amendment checklist. The rezoning/zoning text amendment checklist shall be developed and maintained by the Planning Department.

B. Application fee. A rezoning/zoning text amendment application fee shall be paid at the time of application submission to the Planning Department. The variance application fee shall be set by City Council resolution.

C. The application shall be submitted to the Planning Department for review. The Planning Department shall have 30 calendar days to review the application:

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 of the application, the application process is deemed to have lapsed at the expiration of the ninetieth (90th) day.

2. Whenever the Planning Department determines that an application is complete, the potential action will be reviewed for environmental compliance with the California Environmental Quality Act (CEQA). Upon completion of the environmental review, the Planning Department will schedule a public hearing with the Planning Commission.

16.57.050 Public Hearing Procedures

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

16.57.060 Planning Commission action on private party application.

A. The Commission shall approve, modify, condition, or disapprove an application following its consideration whether the existing zone or regulations are inadequate or otherwise contrary to the public interest, and may approve, modify, or disapprove the application.

B. The Planning Commission may recommend reasonable conditions on the approval of any rezoning for the purposes of ensuring consistency of the proposed zoning with the general plan, mitigating environmental impacts, minimizing functional conflicts with surrounding land uses, or any other purpose that is determined to protect the public health, safety, or general welfare. Conditions imposed on a rezoning pursuant to this section may include, but shall not be limited to, dedication of additional road rights-of-way and requirements for participation in the cost of public improvements, reasonably related to the land uses that would be allowed by the proposed zoning, and limitations on the type and nature of land uses allowed in the new zone district.

C. In the event of approval or modified approval, the Planning Director on behalf of the Planning Commission shall submit a written report conveying the Commission's recommendation on the application to the City Council giving reasons for the recommendation and the relationship of the

proposed amendment to affected elements of the general plan and any affected community or specific plans.

16.57.070 City Council action on private party application.

The City Council shall hold a public hearing in the same manner specified in Section 16.57.050 following the Planning Commission's recommendation for approval or modified approval of the application. The City Council shall introduce, and exercise its discretion to adopt, modify, condition, or reject the proposed ordinance.

16.57.080 Appeals

In case the applicant or other affected are not satisfied with the action of the Planning Commission 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 Section 16.14.030.

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.



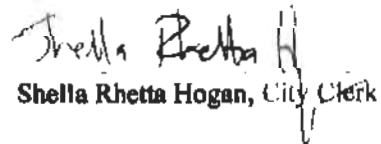
Duane Kegg, Mayor

APPROVED AS TO FORM

Attest:



John Henion, City Attorney



Shella Rhetta Hogan, City Clerk