

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: 2022-15 Howell Barnes Tentative Parcel Majp

Project Applicant: Ken Barnes

Project Location - Specific:

APN 062-041-400, situs 1829 and 1833 S Oregon St, Yreka, CA 96097

Project Location - City: Yreka Project Location - County: Siskiyou

Description of Nature, Purpose and Beneficiaries of Project:

The proposed tentative parcel map would subdivide one 2.00-acre parcel into three separate parcels. The existing parcel includes two commercial buildings and paved parking area. The property is zoned M-1 Light Industrial and has a General Plan Land Use Designation of General Commercial. The proposed parcels would maintain the current zoning and land use designations.

Name of Public Agency Approving Project: City of Yreka

Name of Person or Agency Carrying Out Project: Ken Barnes

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: Class 15, Section 15315
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The proposed project is a division of property in an urbanized are zoned for commercial and industrial. The proposed project would result in less than four parcels that are consistent with the General Plan and Zoning Code.

Lead Agency
 Contact Person: Juliana Lucchesi 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: [Handwritten Signature] Date: 11/4/2022 Title: Planning Director

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR: _____
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.



CITY OF YREKA PLANNING COMMISSION RESOLUTION PC 2022-06

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF YREKA RECOMMENDING
APPROVAL FOR TENTATIVE PARCEL MAP NO. 2022-
15 FOR THE SUBDIVISION OF THE TWO ACRE
ASSESSOR'S PARCEL NUMBER 062-041-400 INTO
THREE DISTINCT PARCELS WITH CONDITIONS AND
ADOPTION OF A CLASS 15 CATEGORICAL
EXEMPTION FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

WHEREAS, Ken Barnes, Applicant, has filed an application for Tentative Parcel Map No. 2022-15 to allow the subdivision of a two acre parcel of land into three distinct parcels for the purposes of separating the existing two buildings and creating a new vacant parcel located on Assessor's Parcel Number 062-041-400 on South Oregon Street near Greenhorn Reservoir; and,

WHEREAS, the City has processed said application pursuant to the City's subdivision regulations in Title 15, the Subdivision Map Act, and the California Environmental Quality Act of 1970 as amended; and

WHEREAS, on or before October 12, 2022 the City gave public notice as required under Government Code Section 66451.3 by mailing notices to property owners within at least 300 feet of the project; and

WHEREAS, the Planning Commission held a duly noticed public hearing as per Sections 65090 and 65091 of the California Government Code to accept public comments and to review and consider the application on Wednesday, October 26, 2022; and

WHEREAS, the proposed project was evaluated for compliance with the California Environmental Quality Act ("CEQA") and found to be exempt pursuant a Class 15 "Minor Land Division" Categorical Exemption pursuant to Section 15315 of the CEQA Guidelines;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Yreka does hereby determine the following:

Section 1. The factual data submitted by the Planning Department of the City of Yreka in the staff report dated October 26, 2022 are true and correct.

Section 2. For the foregoing reasons the Planning Commission determines that the Project is Exemption per the Class 15 "Minor Land Division" Categorical Exemption pursuant to Section 15315 of the California Environmental Quality Act (CEQA) Guidelines.

Section 3. The Planning Commission finds that based upon the entire record, pursuant to Section 15.20.090 of the Yreka Municipal Code, all of the following findings can be made subject to the conditions of approval listed in Section 4:

- a. The tentative parcel map is consistent with Title 15 of the Yreka Municipal Code (“Subdivision”)
- b. The tentative parcel map is consistent with the Subdivision Map Act
- c. The tentative parcel map is consistent with Title 16 of the Yreka Municipal Code (“Zoning”)

Section 4. The Planning Commission recommends the approval of the proposed project subject to the following conditions:

1. The Howell-Barnes Tentative Parcel Map shall be in substantial conformance to Exhibit B, dated September 1, 2022, on file with the Planning Department, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director and City Engineer.
2. The expiration date for the Tentative Map shall be two years from the date of City Council approval of the Tentative Parcel Map.
3. Planning Department approval is required before any changes are implemented in the design, grading, drainage, and all other features of the subdivision map.
4. The Final Parcel Map plan check package will be accepted for submittal only after completion of the 15-day appeal period from the date of the City Council resolution unless approval is overturned on appeal or that the design is significantly changes as a result of the appeal.
5. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City, its City Council, its officers, boards, commissions, employees, and agents from and against any claim (including claims for attorney fees), action or proceedings brought by a third party against the indemnified parties and the project applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorney fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
6. A final map shall be required to subdivide the property into three parcels as presented in Exhibit B.
7. The project applicant shall create and record all noted easements in Exhibit B for underground electric, ingress, and egress with the final parcel map.
8. In addition to the noted easements, a reciprocal easement for parking is required between Parcel A and Parcel B, since Parcel A has no accessible parking onsite.
9. At the time of sale or redevelopment for any reason, the number of accessible parking stalls shall be maintained at a minimum on Parcel B.
10. Prior to approval of the final parcel map, the applicant shall comply with all applicable conditions of outside agencies having jurisdiction.
11. Upon development of Parcel C, the installation of and connection to City Water, Sewer, and Storm Drains, as determined by the Public Works Director, is required.
12. Prior to the first plan check, the applicant’s engineer/surveyor shall submit a preliminary copy of the Final Map along with a preliminary copy of the title report and a copy of the adjoining deeds and/or recorded maps to the City. The City will forward these documents

to its consultant who will estimate the cost for examining the map and certifying that the map is technically correct and in accordance with Section 66442 of the California Subdivision Map Act. After the consultant has provided a cost estimate, the applicant's engineer/surveyor may submit the first plan check along with a deposit for these costs along with all other standard plan check fees. Any unused portion of the estimate will be returned to the applicant after the map is recorded. Similarly, if the applicant withdraws their application in writing prior to the consultant having performed the work, any unused portion of the deposit will be returned to the applicant. Conversely, should consultant's estimate be insufficient to cover all of the consultant's time, the applicant will be required to pay the City the difference between the estimate and the actual cost prior to submittal of the map for the City Engineer's approval.

13. At the time applicant submits the fee for the consultant map review, the applicant shall also submit the following information to the City Engineer and City Surveyor for review and approval:
 - a. Two prints of the final tract map
 - b. One copy of the preliminary title report completed within the last six months
 - c. One set of the computer closures
 - d. One legible copy of the latest recorded deed for the property being subdivided
 - e. One legible copy of the recorded deeds for each of the adjacent properties unless those properties are part of a recorded map which has been recorded within the last seven years; and
 - f. One legible copy of the Recorded Final Map, Parcel Map, or Record of Survey used to prepare this Final Map.
14. The applicant's title company shall record the final map, any grant deeds or easements, and any other required documents concurrently with the Siskiyou County Recorder's Office. After the recording of these documents the City shall be provided with a legible recorded copy.
15. The project applicant shall provide the City with an electronic copy of the recorded map with all recording data shown.
16. When the map is submitted for the City Engineer's and Surveyor's signatures, the applicant shall provide the City with an electronic copy of the Final Map in AutoCAD format. In addition to the information shown on the final map, the electronic information submitted should include:
 - a. Street address(es) centered on the lot(s)
 - b. Building outlines for existing structures
17. Any dedications, open offers of dedication, or grants of easements may be dedicated and accepted on the face of the map. Agreement or other required items shall be recorded as separate documents concurrently with the recordation of the final map.
18. At the time of construction of any structures on the proposed parcels all of the following shall be required:
 - a. *Botanical Surveys*
Botanical surveys should be conducted across the entire Project site during the appropriate blooming time prior to the approval of this Project. Botanical surveys

should follow the Department's March 20, 2018, *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, available here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>. Surveys for this Project were conducted in December and February, well outside the blooming period for the special-status species identified as potentially occurring onsite. If no special status plant species are found during the botanical survey no other measures will be required. However, if drought conditions exist, additional pre-construction surveys for special status plant species may be warranted. If special status plant species are found during the botanical surveys, the plants should be marked by a qualified biologist familiar with the species. If the area can be avoided, exclusionary fencing will be placed around the plants and no pedestrian or vehicular entry shall be allowed. Botanical survey results shall be emailed to the Department at RICEQARedding@wildlife.ca.gov.

b. *Nesting Birds*

The project area is suitable for a variety of nesting birds. During construction, nesting migratory birds, if present, could be directly or indirectly impacted by construction and vegetation removal activities. Direct effects could include mortality resulting from construction equipment operating in an area containing an active nest with eggs or chicks. Indirect effects could include nest abandonment by adults in response to loud noise levels or human encroachment, or a reduction in the amount of food available to young birds due to changes in feeding behavior by adults. Implementation of nest season surveys discussed below would help to ensure that impacts to migratory birds and raptors are less than significant.

To avoid impacts to nesting birds and/or raptors protected under FGC sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act, one of the following shall be implemented: a) Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31, when birds are not nesting; or b) If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

Surveys shall begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey shall consider acoustic impacts and line-of sight disturbances occurring as a result of the Project to determine a sufficient survey radius to maximize observations of nesting birds. A nesting bird survey report should be prepared and at a minimum, the report should include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, the presence of predators, etc.).

If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department and U.S. Fish and Wildlife Service to comply with FGC sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Compliance measures

may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified in the survey, as well as ongoing monitoring by biologists.

The nesting bird survey report shall be submitted to the Department upon completion via email to RICEOARedding@wildlife.ca.gov. The survey shall be conducted no more than one week prior to the initiation of construction. If construction activities are delayed or suspended for more than one week after the pre-construction nesting bird survey, the site shall be resurveyed.

c. *Bats*

Man-made structures that contain artificial roosting opportunities and trees that contain cavities, crevices and/or exfoliated bark have high potential to be used by various bat species. If the Project will impact man-made structures and/or trees with the above-referenced characteristics, a thorough survey should be conducted by a qualified biologist familiar with these features to determine if habitat elements are present. Trees with features potentially suitable for bat roosting should be clearly marked prior to removal.

If removal or disturbance of trees or man-made structures identified to have roost structure characteristics will occur during the bat maternity season, when young are non-volant (March 1 – Aug 31), or during the bat hibernacula (November 1 – March 1), when bats have limited ability to safely relocate roosts, it could cause a significant impact to bats through direct mortality during the roost removal. Impacts to roosts are usually accompanied by high mortality of bats, which is a significant impact because a single colony could consist of the entire local population of a species. The availability of suitable roosting habitat is considered a limiting factor in almost all bat species. Roost site suitability is often based on a narrow range of suitable temperatures, relative humidity, physical dimensions, etc., and many species exhibit high roost site fidelity. Depending on the impact, if any, to the roosting habitat, additional mitigation may be necessary and could include providing replacement or alternate roost habitat. If necessary, humane evictions should be conducted during seasonal periods of bat activity, which may vary by year, location, or species and must be conducted by or under the supervision of a biologist with specific experience conducting exclusions. Humane exclusions could consist of a two-day tree removal process whereby the non-habitat trees and brush are removed along with certain tree limbs on the first day and the remainder of the tree on the second day. This two-step process changes the microhabitat of the area causing the bats to vacate the area under their own volition, therefore minimizing mortality and other impacts to bat species.

If any special status species are found during surveys, the Department requests that CNDDDB forms be filled out and sent to Sacramento and a copy of the form be sent to the Regional office at the above address. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

d. *Lighting*

CDFW recognizes the adverse effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, CDFW

recommends that lighting fixtures associated with the Project be downward facing, fully shielded, and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat.

e. *Trenching*

If trenching will occur as a result of development activities, it should be covered securely prior to stopping work each day, or a ramp should be provided in the trench to prevent wildlife entrapment. If pipes are left out onsite, they should be inspected for animals prior to burying, capping, moving, or filling. CDFW recommends a mitigation measure be developed and included in the final environmental document or project approval.

f. *California Endangered Species Act*

Please be advised that a CESA permit must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will result in the taking of a CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA Permit. Information on how to attain a CESA permit is available here: <https://wildlife.ca.gov/Conservation/CESA/Permitting>.

19. The applicant shall obtain a Tax Certificate from the Siskiyou County Assessor's Office to be filed with the Siskiyou County Tax Collector's Office prior to final recording.

Section 5. The Planning Director shall certify to the adoption of this Resolution.

The foregoing Resolution was adopted by the Planning Commission on the 26th day of October 2022 by the following vote:

AYES: Rolzinski, O'Brien, Devlin, and Fernandez

NOES: None

ABSENT: Osborn

ABSTAIN: None

ATTEST:


Juliana Lucchesi, AICP, Planning Director


Richard Rolzinski, Planning Commission
Co-Chair