

CITY OF YREKA PLANNING COMMISSION RESOLUTION PC 2022-07

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF YREKA RECOMMENDING
APPROVAL FOR TENTATIVE PARCEL MAP NO. 2022-
28 FOR THE SUBDIVISION OF ONE 114.59-ACRE
PARCEL INTO TWO PARCELS AND A REMAINDER
WITH CONDITIONS AND ADOPTION OF A CLASS 15
CATEGORICAL EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, Todd and Stacy Whipple, Applicant, has filed an application for Tentative Parcel Map No. 2022-28 to subdivide one 114.59-acre parcel into three separate parcels, one 37.48-acre parcel, one 0.52-acre parcel, and one 76.59-acre parcel. There are currently no structures or development on the existing parcel. The applicants proposed to erect a single-family residence on each of the proposed parcels. The two proposed parcels are immediately adjacent to the public right-of-way (North View Drive) in the northwest corner of City Limits.; 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 November 2, 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, November 16, 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 November 16, 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 Whipple Tentative Parcel Map shall be in substantial conformance to Exhibit B, dated September 26, 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 unless an extension has been approved in accordance with Section 15.12.090 of the Yreka Municipal Code. All Conditions of Approval must be completed, and the Final Map must be recorded prior to the expiration date 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. In planning the precise locations for the proposed residence, the applicant shall avoid placing any physical structure or building, roadways, utility alignments, leech fields, and fence lines, to the degree feasible, within the immediate Old Yreka Ditch and earthen berms with a 10-foot buffer area on each side of the feature.
7. The applicant shall avoid direct impact during ground disturbing (construction) activities to the Old Yreka Ditch and berm and 10-foot buffer areas.
8. The applicant shall maintain the general setting and physical integrity of the Old Yreka Ditch and 10-foot buffer areas during residency at the property by avoiding ground disturbing activities within that area.
9. The requirement for protection and maintenance of the historic feature shall pass to all future landowners.

10. A final map shall be required to subdivide the property into two parcels and a remainder as presented in Exhibit B.
11. The project applicant shall create and record all noted easements in Exhibit B for underground electric, ingress, and egress with the final parcel map.
12. Prior to approval of the final parcel map, the applicant shall comply with all applicable conditions of outside agencies having jurisdiction.
13. 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, Yreka Municipal Code, and all other applicable city, state, and federal codes. 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.
14. 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.
15. 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.
16. The project applicant shall provide the City with an electronic copy of the recorded map with all recording data shown.
17. 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
18. 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.
19. At the time of construction of any structures or site modification on the proposed parcels, a basic biological assessment shall be conducted. A basic biological assessment would include botanical, wildlife, and habitat surveys (conducted at the appropriate time of the year) to determine whether focused or protocol-level surveys are warranted. All plant and wildlife species identified in the California Natural Diversity Database (CNDDDB) and other biological resource databases (U.S. Fish and Wildlife Service, California Native Plant Society, or other pertinent references) should be analyzed for the potential to occur within the Project area. The following shall be included in the biological assessment:
- a. Date/time/weather conditions during the survey(s).
 - b. A description of the natural environment.
 - c. A list of common and special status plant and wildlife species as well as habitats present onsite at the time of the survey(s).
 - d. Rare/local/unusual species and habitats present during the survey(s).
 - e. A thorough assessment of rare plants and sensitive natural communities should be conducted following the Department's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>).
 - f. If habitat is present for special status plants or wildlife, focused species-specific surveys should be conducted at the appropriate time of year and/or time of day when the species are active or otherwise identifiable. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service. Links to some survey procedures are provided on the Department's website (<https://wildlife.ca.gov/Conservation>).
 - g. If any special-status species are found during surveys, the Department requests that CNDDDB forms be filled out online and submitted. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
 - h. Impacts to and maintenance of wildlife corridor/movement areas and other key seasonal use areas should be fully evaluated and provided.
 - i. A discussion of impacts associated with increased lighting, noise, human activity, impacts of free-roaming domestic animals including dogs and cats, changes in drainage patterns, changes in water volume, velocity, quantity, and quality, soil erosion, and/or sedimentation in streams and watercourses on or near the Project site.
 - j. Mitigation measures for adverse Project-related impacts to sensitive plants, wildlife, and habitats should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts. For

unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. If on-site mitigation is not feasible, off-site mitigation through habitat creation, enhancement, acquisition, and preservation in perpetuity should be addressed.

- k. As the Project site has the potential to support aquatic, riparian, or wetland habitat, a delineation of lakes, streams, and associated riparian habitats potentially affected by the Project should be provided for agency and public review. This report should include a preliminary jurisdictional delineation including wetlands identification pursuant to the U. S. Fish and Wildlife Service wetland definition as adopted by the Department. Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers. The jurisdictional delineation should also include mapping of ephemeral, intermittent, and perennial stream courses potentially impacted by the Project. In addition to "federally protected wetlands" (see CEQA Appendix G (IV)(c)), the Department considers impacts to any wetlands (as defined by the Department) as potentially significant.
20. *Botanical Surveys*: Botanical surveys shall be conducted across the entire Project site during the appropriate blooming time prior to the approval of construction or site modification. 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>.

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 should be allowed. Botanical survey results should be emailed to CDFW at R1CEQARedding@wildlife.ca.gov and the City of Yreka Planning Department.

21. *Nesting Birds*: 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 should be implemented:
 - I. Vegetation removal and other ground-disturbance activities associated with construction should occur between September 1 and January 31, when birds are not nesting; or
 - II. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting bird survey should be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

Surveys should begin prior to sunrise and continue until vegetation and nests have been sufficiently observed. The survey should 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 should 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 City of Yreka Planning Department and CDFW upon completion via email to R1CEQARedding@wildlife.ca.gov. The survey should be conducted no more than one week prior to the initiation of construction or site modifications. If construction activities are delayed or suspended for more than two weeks after the pre-construction nesting bird survey, the site should be resurveyed.

22. *Bats*: The Project area contains potential suitable for several bat species. Trees that contain cavities, crevices and/or exfoliated bark have high potential to be used by various bat species. If the Project will impact trees with the above-referenced characteristics, a thorough survey of the large trees should be conducted by a qualified biologist or arborist familiar with these features, to determine if tree features and habitat elements are present. Trees with features potentially suitable for bat roosting should be clearly marked and the following should occur prior to removal.

If removal or disturbance of trees identified to have roost structure 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.

23. *Drainage Features*: Based on analysis of aerial photos, a solid blue line indicates a drainage runs through what is now proposed as Parcels 1 and 2. This drainage feature flows directly into Yreka Creek, a known anadromous fish waterway and the drainage itself may

serve as potential habitat for several special status species known to occur in the area. The Department requires the placement of a 50-foot no-disturbance/habitat protection buffer along this drainage. This buffer should begin at the outer edge (drip-line) of riparian canopy, if present, or top of stream bank, if riparian canopy is absent, or edge of the floodplain, whichever creates a larger buffer. The no-disturbance buffer zone shall be designated on the recorded Parcel Map to ensure future site improvements do not encroach into the buffer zone. No-disturbance buffers are an important tool for protecting water quality and, protecting species and habitat from runoff, sedimentation, erosion and impacts from increased light and noise associated with development.

24. *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 requires 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.
25. *Trenching*: If trenching will occur as a result of Project 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.
26. *Lake or Streambed Alteration Agreement*: Notification pursuant to Section 1602 et seq. of the Fish and Game Code may be applicable. To obtain information about the 1600 Notification process, please access the Department's website at: <https://www.wildlife.ca.gov/Conservation/LSA>
27. *California Endangered Species Act*: CNDDDB observations identify Yreka Phlox (*Phlox hirsuta*), a state endangered botanical species, to occur within 1 mile of the Project area, and suitable habitat for this species may occur onsite. 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 take 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>.
28. 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 16th day of November 2022 by the following vote:

AYES: OSBORN, FERNANDEZ, DEVLIN, ROLZINSKI
NOES: NONE

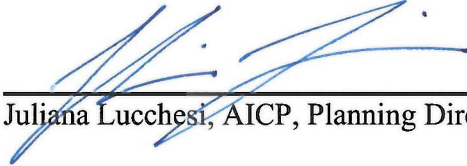
ABSENT: O'BRIEN

ABSTAIN: NONE



Matt Osborn, Planning Commission Chair

ATTEST:



Juliana Lucchesi, AICP, Planning Director