

CITY OF CORNING PLANNING COMMISSION MEETING AGENDA

TUESDAY, MARCH 16, 2021 CITY COUNCIL CHAMBERS 794 THIRD STREET CORNING, CA 96021

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL: Commissioners: Barron

Poisson Mesker Pendergraft

Chairman: Robertson

C. BUSINESS FROM THE FLOOR: If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, and briefly identify the matter you wish to have placed on the Agenda. The Commission will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Commission from taking formal action on the issue, however unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.

D. MINUTES:

- 1. Waive the reading and approve the Minutes of the following meetings any necessary corrections:
 - a. February 16, 2021 Joint Planning Commission & Special City Council Meeting; and
 - b. February 22, 2021 Joint Special City Council & Planning Commission Meeting.

E. PUBLIC HEARINGS AND MEETINGS:

- 2. Use Permit Application 2021-294 to allow Hall Brothers Mortuary to install a Crematory located at 902 5th St. APN: 071-171-04.
- 3. Recommendation to City Council to approve the proposed Zoning Code Update and adopt associated Ordinance 694 amending Title 17 to repeal and replace Sections 17.04, 17.06, 17.08, 17.10, 17.12, 17.16, and 17.51 and add new sections addressing Multifamily Residential Object Design & Development Standards, Accessory Dwelling Units, and Reasonable Accommodation.

F. P:RESENTATIONS:

- 4. Planning Department Annual Update Presentation.
- G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:
- H. ADJOURNMENT!:

POSTED: FRIDAY, MARCH 12, 2021



CITY OF CORNING JOINT PLANNING COMMISSION AND SPECIAL CITY COUNCIL **MEETING MINUTES**

TUESDAY, FEBRUARY 16, 2021 CITY COUNCIL CHAMBERS **794 THIRD STREET CORNING. CA 96021**

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL:

Council: Dave Demo

Karen Burnett **Shelly Hargens** Chuy Valerio

Mayor: Robert Snow **Planning Commission:**

Chairperson:

Frank Barron Melodie Poisson **Brant Mesker** James Pendergraft

Diana Robertson

All members of the Planning Commission were present.

All members of the City Council were present except Councilors Demo and Hargens.

C. PLEDGE OF ALLEGIANCE: Led by the City Manager.

D. INVOCATION: Led by Councilor Burnett.

E. BUSINESS FROM THE FLOOR: None

F. MINUTES:

1. Waive the reading and approve the Minutes of the December 22, 2020 Joint City Council/Planning Commission Meeting and Planning Commission Meeting with any necessary corrections.

Commissioner Barron moved to approve the December 22, 2020 Joint City Council/Planning Commission Minutes, Commissioner Mesker seconded the motion. Aves: Robertson. Barron, Poisson, Mesker, and Pendergraft. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.

G. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

2. Presentation of the City of Corning Zoning Code Update.

Planner 1 Christina Meeds stated that there are some significant changes as mandated by law. She then introduced Mark Teague of Place Works, Inc. who provided a PowerPoint Presentation on the proposed Corning Zoning Code Update.

Mr. Teague stated that the proposed changes in the City's Zoning Code are focused on:

- · Addressing recent changes in State Housing Legislation that require the City to update their Zoning Code to reflect these changes;
- Modernizing portions of the Zoning Code; and
- Streamlining some of the processes.

He then emphasized that no properties were being rezoned due to this update, any amendments to what is allowed within each Zone are proposed only where required in order to comply with new laws. Some of the changes are driven by the Housing Element; some by State Law. He then provided an overview of the proposed changes, Code Amendments, Guidelines, and Standards emphasizing the difference between a guideline and a standard. Mr. Teague also presented Objective Design & Development Standards for Affordable Multi-Family Residential. He stated that there is flexibility in the Design Standards (page 23 of Matrix) to make sure that it fits in with our community; not much flexibility elsewhere as State Law Mandates. He explained that the Design Standards have a value.

Commissioner Barron asked for further definition/explanation of a "Reversed Corner Lot"; Mr. Teague provided this information.

Informational item only, no action was required.

- H. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR: None.
- I. <u>ADJOURNMENT</u>!: 7:13 p.m. (Planning Commission and City Council Closed the Joint Meeting.

Lisa M. Linnet, City Clerk

Item No.: D-1b

CITY OF CORNING JOINT SPECIAL CITY COUNCIL & PLANNING COMMISSION ZOOM MEETING MINUTES

MONDAY, FEBRUARY 22, 2021 CITY COUNCIL CHAMBERS 794 THIRD STREET CORNING, CA 96021

Join Zoom Meeting

https://zoom.us/j/9342948553

Meeting ID: 934 294 8553; or Call 1-669-900-9128

A. CALL TO ORDER: 5:00 p.m.

B. ROLL CALL:

Council: Dave Demo

Karen Burnett Shelly Hargens

Chuy Valerio
Mayor: Robert Snow

Planning Commission: Frank Barron

Melodie Poisson Brant Mesker James Pendergraft Diana Robertson

Mayor: Robert Snow Chairperson: Diana F
All members of the City Council were present except Councilors Demo and Hargens.
All members of the Planning Commission were present except Chairperson Robertson.

H. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, PRESENTATIONS:

3. Presentation of the City of Corning Opportunity Zone by 3CORE at 5:00 p.m.

A presentation on the City of Corning Opportunity Zone was presented by Marc Nemanic of 3CORE, Audrey Taylor from Chabin Concepts, and Thatch Moyle from Urban Scenarios.

4. Presentation on the Olive Grove Special Needs Supportive Housing Community Development at 5:30 p.m. or close thereafter.

Presentation was presented by the Project Developers.

- J. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:
- K. ADJOURNMENT!: 6:00 p.m.

Lisa M. Linnet, City Clerk

ITEM NO: E-2

USE PERMIT APPLICATION 2021-294 HALL BROTHERS MORTUARY TO INSTALL A CREMATORY LOCATED AT 902 5TH ST.

APN: 071-171-04 March 16, 2021

TO: PLANNING COMMISSIONERS

FROM: KRISTINA MILLER, CITY MANAGER CHRISTINA MEEDS, PLANNER 1 (1)

PROJECT DESCRIPTION:

Stephen Forest owns the property at 902 5th St., Hall Brothers Mortuary and described as Assessor's Parcel Number 71-171-04. Please refer to the attached (Attachment F) copy of the Assessor's Map. Mr. Forest has submitted a Use Permit Application that seeks to install a Crematory on the property.

The property has been Hall Brothers Mortuary for 40 plus years which was grandfathered in as a legal non- conforming use. In October of 2014, Planning Consultant John Stoufer was working on the General Plan Update and stated "Hall Bros. Mortuary was currently located in a residential zone and that it was grandfathered in as a legal non-conforming use. The owner had recently purchased and wishes to install a Crematory to expand their service, however the current regulations do not allow the expansion of a non-conforming use." Mr. Stoufer went on to explain the City was currently going through a General Plan Process and the zoning of the property could be re-zoned to allow for this. The property was rezoned to an R-4, during the City's General Plan update. According to the City of Corning Municipal Code Section 17.16.020 - Permitted uses E - "Subject to the securing of a Use Permit in each particular case: hotels, motels, hospitals, rest homes, sanitariums, mortuaries, and professional offices for doctors, dentists, architects, engineers, accountants, artists, authors, attorneys, real estate and insurance offices, medical and dental clinics, and other uses, which in the opinion of the Planning Commission, are similar to the foregoing; and clubs, lodges and fraternities, except those operated as a business or for profit".

Mr. Forest in August of 2020 requested to add a crematory to his mortuary business. Mr. Forest was advised by Staff that he would need to go to the Tehama County Air Pollution Control District to receive authority to construct. Once that was received, he could apply for the Use Permit with the City.

The Tehama County Air Pollution Control District issued Permit #1121-630, Authority to Construct, to Hall Brothers, Stephen Forest on February 9, 2021. As shown in Attachment D, the Crematorium is proposed to be placed within an existing building located at 902 5th St. just west of the current Mortuary. All building plans will be submitted to the City for approval.

If approved, this project will allow the owner of the Mortuary to expand his services to the community. Currently he is traveling to Chico to perform this service.

Staff recommends, should the Planning Commission approve Use Permit 2021-294, that they also add the Mortuary to this Use Permit thereby allowing the Mortuary to then become a legal conforming use.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Section 21084 of the Public Resources Code requires a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. The Secretary of Resources has classified projects that do not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents.

CEQA, Section 15301, Existing Facilities, Class 1 provides exemptions for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

CEQA Section 15311, ACCESSORY STRUCTURES:

Class 11 consists of construction, or **placement of minor structures accessory** to (appurtenant to) existing commercial, industrial, or institutional facilities, including **but not limited to:**

- (a) On-premise signs.
- (b) Small parking lots; CEQA Guidelines Association of Environmental Professionals 2020

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(c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

RECOMMENDED CONDITIONS OF APPROVAL:

- 1. Accept and Adopt the 28 Conditions listed in the Tehama County Air Pollution Control District, Permit# 1121-63
- 2. All State of California Health and Safety Code, Operation of Crematories [8341 8347] regulations be followed.

Staff recommends that the Planning Commission adopt the following Factual Sub findings and Legal Findings for Use Permit 2021-294:

FACTUAL SUBFINDING #1:

The project will allow the owner of Hall Brother's Mortuary to offer another service to the community.

LEGAL FINDING #1:

The granting of Use Permit 2021-294, allowing the owner to offer the community another service, is found to be an expansion of the current use.

FACTUAL SUBFINDING #2:

The parcel and building where the proposed project will be established is zoned R-4 Multiple Family Residential.

LEGAL FINDING #2:

Subject to securing a Use Permit, a Mortuary is permitted and other uses which in the opinion of the Planning Commission are similar. Section 17.16.020 – E

FACTUAL SUBFINDING #3:

The existing building and garage proposed for the Crematorium is located at 902 5th St. along the southwest corner of the intersection of Marin St. and 5th St.

LEGAL FINDING #3:

The existing building and garage are adequate in size, shape, and topography to allow for the addition of a Crematory.

RECOMMENDATION:

- 1. ADOPT THE 3 SUBFINDINGS AND THE 3 LEGAL FINDINGS.
- 2. ADOPT THE 2 CONDITIONS OF APPROVAL ON USE PERMIT 2021-294.

Attachments:

- A. Use Permit Application
- B. Site Map
- C. Model of Unit
- D. Tehama County Air Pollution Permit (with 28 Conditions listed)
- E. State of California, Health and Safety Code Section 8341-8347
- F. Assessors Map

CITY OF CORNING PLANNING APPLICATION

TYPE OR PRINT CLEARLY

Submit Completed Applications to: City of Coming Planning Dept. 794 Third Street Coming, CA 98021

	DJECT ADDRESS 02 5th st. Corning, Ca 96021		RCEL NUMBER	G.P. LAND USE DESIGNATION	
ZONING DISTRICT	FLOOD HAZARI		SITE ACREAGE	AIRPORT SAFE	ETY ZONE?
PROJECT DESCRIPTION: (attach ac installation of new Cro					
	APPLIC	CATION TYPE (Check All Applicat	ole)	
Annexation/Detachment Lot Line Adjustment Preliminary Plan Review		Appeal Planned Do Rezone Time Exter	ev. Use Permit	General P Parcel Map Street Aba	ndonment
APPLICANT Stephen Forrest		ADDRE			DAY PHONE 530824379
REPRESENTATIVE (IF ANY)	ne	ADDRE		,,	DAY PHONE
PROPERTY OWNER Stephen	Forrest	ADDRE	ss Same as a	bove	DAY PHONE
CORRESPONDENCE TO BE SENT TO APPLICANT REPRESENTATIVE PROP. OWNER					
APPLICANT/REPRESENTATIVE: I have reviewed this application and the attached material. The information provided is correct. Signed: Si					
By signing this application, the applica claim, action, or proceeding brought to Review associated with the proposed	attack, set	owner agrees to de aside, void or annu	fend, indemnify, and it I the City's approval o	nold the City of Cor f this application, a	ning harmless from a nd any Environment

76	FOR OFFICE USE ONLY					
FINE	APPLICATION NO.	RECEIVED BY:	•	DATE RECEIVED	DATE A	APPL DEEMED COMPLETE
	FEES RECEIVED/RECEIPT NO.		CEQA DETERMINATION Exempt ND MND EIR			DATE FILED



CITY OF CORNING

ENVIRONMENTAL INFORMATION FORM

(To be completed by Applicant)

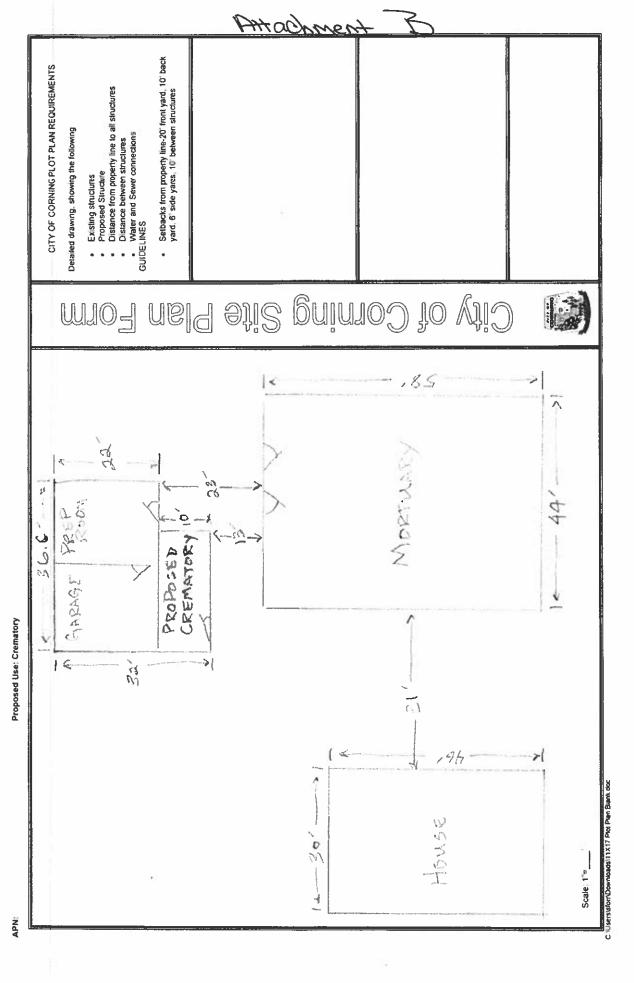
	DATE FILED					
General Information						
1. Project Title: Crematory						
List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:						
Additional Project Information						
3. For non-residential projects, indicate total proposed building floor area:	20_sq. ft. in floor(s).					
4. Amount of off-street parking to be provided. NA parking	stalls. (Attach plans)					
5. Proposed scheduling/development. 10/01/2020						
6. Associated project(s).						
7. If residential, include the number of units, schedule of unit sizes, range of sal household size expected. (This information will help the City track compliance we Housing Element of the General Plan.)	le prices or rents, and type of with the objectives of the					
	200					

CITY OF CORNING PLANNING APPLICATION 8. If commercial, Indicate the type, whether neighborhood, city or regionally oriented, square for area, and loading facilities.	otage of	sales
Neighborhood	<u> </u>	
9. If industrial, indicate type, estimated employment per shift, and loading facilities.		
10. If institutional, indicate the primary function, estimated employment per shift, estimated occurring facilities, and community benefits to be derived from the project.	ipancy, i	loading
Title of the complete confliction atota this a	ad indice	ata.
11. If the project involves a variance, conditional use permit or rezoning application, state this a clearly why the application is required.		
Are the following items applicable to the project or its effects? Discuss below all items checked y additional sheets as necessary).	ves (atta	ch No
12. Change in existing topographic features, or substantial alteration of ground contours?13 Change in scenic views or vistas from existing residential areas or public lands or roads?		
14. Change in pattern, scale or character of general area of project?		d
15. Significant amounts of solid waste or litter?		4
16. Change in dust, ash, smoke, fumes or odors in vicinity?		
17. Change in lake, stream or ground water quality or quantity, or alteration of existing drainage	pattern	s?
18. Substantial change in existing noise or vibration levels in the vicinity?		12
19. is the site on filled land or on slopes of 10 percent or more?		Ø
20. Use, storage, or disposal of potentially hazardous materials, such as toxic substances, flam	mables	ОГ
explosives?		Ø
21. Substantial change in demand for municipal services (police, fire, water, sewage, etc.)?		Z
22. Substantially increase energy usage (electricity, oil, natural gas, etc.)?		
23. Relationship to a larger project or series of projects?		

CITY OF CORNING PLANNING APPLICATION

Environmental setting

stabili	tescribe the project site as it existity, plants and animals, and any die, and the use of the structures.	cultural, historical or sc	enic aspects. Describe at	ny existing structures on
	Concrete floor in garage			
or sce	Describe the surrounding propertion aspects. Indicate the type of ment houses, shops, department etc.). Attach photographs of the	land use (residential, d t stores, etc.), and scal	commercial, etc.), intensit e of development (height,	y of land use (one-family, frontage, set-back, rear
-	residentail mortuary		Vic.	
l here	ication by certify that the statements fur nation required for this initial eval nation presented are true and co	luation to the best of m	y ability, and that the fact	nt the data and s, statements, and
Date _.	08/03/2020	Signature _	Statement	
		,		



AHOCKMENT C

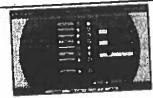
Manufacturing with Pride

Human (remation Equipment Model A-250 "Hot Hearth" Cremation Equipment

The American A-250 has become one of the most popular models in our product line. It features a large capacity primary chamber and a 45" loading door opening. With the addition of our proprietary operating systems you can rest assured you will be operating one of the most efficient machines available. The A-250 allows first time buyers room for growth as their business increases.

Control Systems Available:

- American Standard
- ACS-1 PLC & Touchscreen
- American Instant Access
- ARIES Operating System
- Guardian D.A.S.



Customizable Finisbes Available for Each & Every Model



Stainless Steel Pattern A1



Stainless Steel Brushed A2



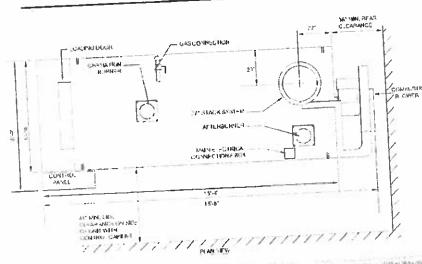
Stainless Steel Pattern A3

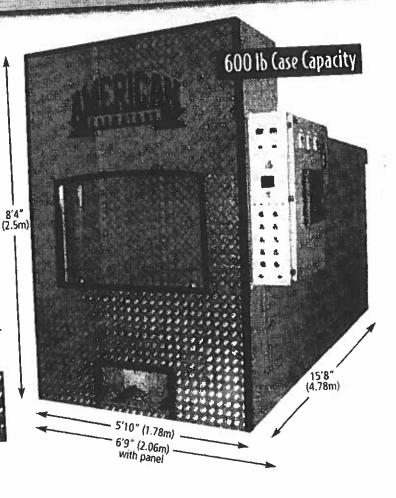


Stainless Steel Pattern A4



Diamond Plate 5 Bar





A-250 Specifications

Height 8'4" (2.5m)

Length 15'8" (4.57m) with Blower

Width 5'10" (1.78m); 6'9" (2.06m) with Panel

Door Width 45" (1.14m)

Weight 28,000 Lbs. (12,700 kg)

Installation Clearance Required 8' min. (2.44m)

Fuel Natural Gas, Propane, Butane, Can be Modified

to Accept Diesel Oil

Electrical 220V/60Hz/1 Phase or 3 Phase (Nationally)

240/480 1 Phase or 3 Phase (Internationally)

Maximum Fuel Rating 2.25 MM BTU/HR @220 CFH

Panel Right, Left or Remote Warranty 2 year "Best in Class"

Available in a wide range of colors allowing you or our team to design a comforting setting for your customers.

Lease & Finance Options Available

Attachnest D

Authority to Construct

Issued by Tehama County Air Pollution Control District P.O. Box 1169 Red Bluff, CA

Phone: 530 527-3717 Fax: 530 527-0959

PERMIT # 1121-630 IS HEREBY GRANTED ON FEBRUARY 9, 2021 TO:

HALL BROTHERS CORNING MORTUARY

Attn: Stephen Forrest 902 5th Street Corning, CA 96021

TO CONSTRUCT:

A. One (1) American Crematory Equipment human cremator, model A-250-WH with maximum fuel rating 2.25MMBtu/hour, equipped with primary and secondary (afterburner) chambers with loading size of forty-five (45) inches by one hundred two (102) inches, serial number TBD.

EQUIPMENT LOCATION:

902 5th Street Corning, CA 96021

PERMIT CONDITIONS

This Authority to Construct Permit shall remain in effect until a Permit to Operate is granted or denied pursuant to Tehama County Air Pollution Control District (District) Rule 2:14 <u>Cancellation of Permits</u>. A Permit to Operate shall be issued if the article or equipment listed above conforms to this Authority to Construct Permit, and is in compliance with all Federal and State of California laws, as well as all District rules, regulations, and permit conditions governing air pollution.

1. The permitted source shall construct the facility to conform to the design and operational characteristics contained in the application for an Authority to Construct as listed below:

a) Submission date:

September 1, 2020

b) Submitted by:

Stephen Forrest

- c) Submitted for: Hall Brothers Corning Mortuary
- d) Emission unit(s): American Crematory Equipment human cremator, model A-250-WH with maximum fuel rating 2.25MMBtu/hour, equipped with primary and secondary (afterburner) chambers with loading size of forty-five (45) inches by one hundred two (102) inches, serial number TBD.

Written authorization shall be obtained from the Air Pollution Control Officer (APCO) prior to making any change in the construction or operational characteristics specified in this Permit that may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants.

- Commencement of construction under this Permit is deemed acceptance of all permit conditions as specified.
- 3. Failure to comply with any Condition of this Permit, and/or the permitted source willfully fails or refuses, within a reasonable time period, to furnish requested information, analysis, plans or specifications relating to emissions from the source for which this Permit was issued, shall constitute grounds for, and may result in, revocation or suspension of this Permit by the District Hearing Board.
- 4. The District reserves the right to amend this Permit in order to abate a nuisance or to ensure compliance with all applicable Federal or State of California laws, as well as District rules, regulations and permit conditions governing air pollution.
- 5. The permitted source shall maintain compliance at all times with all applicable Federal and State of California laws, as well as all District rules, regulations, and permit conditions governing air pollution.
- 6. If any condition of this Permit is found invalid, such finding shall not affect the validity of the remaining conditions.
- 7. The permitted source shall provide access for the purpose of inspection at any time the facility is under construction or is in operation. The "Right of Entry" pursuant to California Health and Safety Code Section 41510 shall apply.
- 8. This Permit is not transferable either from one location to another, from one piece of equipment to another, or from one person to another, except with the written approval of the APCO.
- 9. In the event that control of this facility will be assumed by another person, company, corporation, or entity, the District shall be notified of such transfer of control by written notification a minimum of ten (10) days prior to the actual transfer date.
- 10. The operator(s) or owner(s) of this facility shall comply with all applicable requirements pursuant to California Health and Safety Code, Part 6. Air Toxics "Hot Spots" Information and Assessment Act of 1987 (AB 2588) Sections 44300 through 44394.

- 11. All equipment, including both process and air pollution control equipment, shall be maintained at regular intervals to ensure minimal discharge of emissions. Manufacturers' recommended maintenance procedures shall be adhered to at all times.
- 12. The owner/operator shall operate the American Crematory Equipment human cremator on natural gas.
- 13. The owner/operator shall not perform more than a total of one hundred fifty (150) cremations in any consecutive twelve-month period.
- 14. The owner/operator shall maintain the operating temperature in the secondary chamber of the American Crematory Equipment human cremator at or above 1650 degrees Fahrenheit during the cremation mode. The owner/operator shall equip the cremator with a District approved continuous temperature monitoring and recording device to ensure compliance with this condition. Natural gas input to the secondary chamber burner shall be increased, if necessary, to increase temperature sufficiently to control odor and visible plume.
- 15. After shutdown, the owner/operator shall not cremate until the American Crematory Equipment human cremator has been preheated so that the temperature in the secondary chamber is at least 1650 degrees Fahrenheit.
- 16. The emission control features of the American Crematory Equipment human cremator shall be properly maintained according to manufacturer's specifications and shall be in proper working order when the crematory is in use.
- 17. The test ports shall be installed and accessible above the roof line.
- 18. Source testing to determine emissions from the pathological crematory retort exhaust stack may be required by the Air Pollution Control Officer at any time pursuant to California Health and Safety Code 42303. Request for information, which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source.
- 19. An initial compliance test shall be performed by an independent testing company after installation. The compliance test will be done to determine emissions from the pathological crematory retort exhaust stack pursuant to California Health and Safety Code 42303. The test company shall notify the District a minimum of fifteen (15) days prior to the compliance test date. Notification shall be submitted in writing and consist of the following:
 - a) Name of company, address, and contact information that owns crematory:
 - b) Specifications of crematory:
 - c) Test procedures of crematory:
 - d) Date and time of expected testing. (Rule 2:10)
- 20. Initial compliance testing of the following constituents shall be conducted using the most current U.S. EPA approved methods:
 - a) Oxides of Nitrogen (NOx) U.S. EPA Method 7E or 20;

- b) Carbon Monoxide (CO) U.S. EPA Method 10;
- c) Particulate Matter (PM) U.S. EPA Method 5:
- d) Sulfur Dioxide (SOx) U.S. EPA Method 20 or calculation based on known concentration of sulfur in natural gas fuel.
- 21. No facility process shall discharge into the atmosphere any visible air contaminant, other than uncombined water vapor, which exceeds a Ringelmann #2/40 percent opacity for a period or periods aggregating more than three (3) minutes in any one (1) hour (sixty consecutive minutes).
- 22. An application for an Authority to Construct shall be filed with the District prior to: A modification as defined in District Rule 2:1 General Requirements that includes replacement of any equipment for which a Permit to Operate has been granted: or the building, erecting, installing, or operation of any equipment for which an Authority to Construct is required pursuant to California Health and Safety Code, Section 42300, and District Rule 2:2.1, Permits Required.
- 23. Periods of upset, breakdown, or malfunctions that may affect emission levels shall be reported to the APCO by the permitted source owner or operator as soon as reasonably possible, but no later than one (1) hour after its detection pursuant to District Rule 4:17 <u>Upset or Breakdown Conditions</u>. If the APCO cannot be contacted, the report of the upset or breakdown shall be made at the commencement of the next regular working day.
 - Appropriate corrective measures are immediately to be undertaken to correct the occurrence or limit its duration. As soon as the upset or breakdown has been corrected, but no later than ten (10) calendar days, the owner or operator shall submit a written report to the APCO, on forms supplied by the District, describing the cause(s) of the breakdown, corrective measures taken, a statement that the occurrence has been corrected, together with the date and time of correction.
- 24. Fugitive natural gas emissions shall be controlled at all times such that a nuisance is not created at any point beyond the facility property lines pursuant to California Health and Safety Code Section 41700.
- 25. The equipment associated with the approved process shall be properly maintained according to manufacturer's specifications and kept in good operating condition. (Rule 2:10)
- 26. If relays are used in operating the secondary burner, the owner or operator shall store on site a minimum of two (2) replacement electrical relays that are in good operating condition, to ensure that the secondary burner will ignite and remain in a full operating mode for the duration of the planned cycle. (Rule 2:10)
- 27. Fugitive dust emissions generated from access roads, internal driveways, equipment use areas, parking areas, etc., shall be controlled at all times by the use of dust suppression techniques that may include but are not limited to the following methods:
 - a) Reduced driving speeds:
 - b) Watering:

- c) Palliative dust agents:
- d) Paving and/or chipsealing.
- 28. The permitted source owner or operator shall submit an annual report no later than forty-five (45) days prior to the expiration date of the Permit to Operate (Rule 2:10). The report shall be summarized chronologically by month and include totals for the previous calendar year. The report shall include the following:
 - a) The number of hours that the pathological crematory retort was operated for the fiscal year from July 1st of each year to June 30th of the following year;
 - b) The number of cremations performed in the American Crematory Equipment human cremator in any consecutive twelve-month period;
 - c) The annual report shall be signed and dated by a responsible company official. (Rule 2:10)

INDEMNIFICATION

29. District Rule 2:19 District Indemnification applies to this permit.

This Authority to Construct Permit does not constitute a Permit to Operate nor does it guarantee that the proposed process, article(s), or equipment will comply with all Federal and State of California laws, and District rules, regulations, and permit conditions governing air pollution.

Upon completion of construction the permitted source owner or operator shall notify the District of the date operations started and shall also schedule an inspection.

Joseph H. Tona Air Pollution Control Officer T) 4



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HEALTH AND SAFETY CODE - HSC

DIVISION 8. CEMETERIES [8100 - 9703] (Division 8 enacted by Stats. 1939, Ch. 60.) PART 3. PRIVATE CEMETERIES [8250 - 8829] (Part 3 enacted by Stats, 1939, Ch. 60.) CHAPTER 2. Operation and Management [8275 - 8382] (Chapter 2 enacted by Stats. 1939, Ch. 60.)

ARTICLE 5. Operation of Crematories [8341 - 8347] (Article 5 enacted by Stats. 1939, Ch. 60.)

8341. All cremated remains not disposed of in accordance with this chapter, within one year, shall be interred. (Amended by Stats. 1993, Ch. 1232, Sec. 27. Effective January 1, 1994.)

8342. No crematory shall make or enforce any rules requiring that human remains be placed in a casket before cremation or that human remains be cremated in a casket, nor shall a crematory refuse to accept human remains for cremation for the reason that they are not in a casket. Every director, officer, agent or representative of a crematory who violates this section is guilty of a misdemeanor. Nothing in this section shall be construed to prohibit the requiring of some type of container or disposal unit.

(Added by Stats. 1971, Ch. 1027.)

- 8343. A crematory shall maintain on its premises, or other business location within the State of California, an accurate record of all cremations performed, including all of the following information:
- (a) Name of referring funeral director, if any.
- (b) Name of deceased.
- (c) Date of cremation.
- (d) Name of cremation chamber operator.
- (e) Time and date that body was inserted in cremation chamber.
- (f) Time and date that body was removed from cremation chamber.
- (g) Time and date that final processing of cremated remains was completed.
- (h) Disposition of cremated remains.
- (i) Name and address of authorizing agent.
- (j) The identification number assigned to the deceased pursuant to Section 8344.
- (k) A photocopy of the disposition permit filed in connection with the disposition.

This information shall be maintained for at least 10 years after the cremation is performed and shall be subject to inspection by the Cemetery and Funeral Bureau.

(Amended by Stats. 2000, Ch. 568, Sec. 245. Effective January 1, 2001.)

8344. A crematory shall maintain an identification system allowing identification of each decedent beginning from the time the crematory accepts delivery of human remains until the point at which it releases the cremated remains to a third party. After cremation, an identifying disk, tab, or other permanent label shall be placed within the urn or cremated remains container before the cremated remains are released from the crematory. Each identification disk, tab, or label shall contain the license number of the crematory and shall have a unique number that shall be recorded on all paperwork regarding the decedent's case and in the crematory log. Each crematory shall maintain a

written procedure for identification of remains. The identification requirements pertaining to an identifying disk, tab, or other label to be placed within the urn or cremated remains container shall not apply to cremated remains placed in a keepsake urn pursuant to subdivision (b) of Section 7054.6 if space does not permit.

On or after March 1, 1994, any crematory that fails, when requested by an official of the bureau to produce a written procedure for identification of remains, shall have 15 working days from the time of the request to produce an identification procedure for review by the chief of the Cemetery and Funeral Bureau. The license of the crematory shall be suspended pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, if no identification procedure is produced for review after 15 working days have elapsed.

(Amended by Stats. 2010, Ch. 415, Sec. 35. (SB 1491) Effective January 1, 2011.)

- 8344.5. (a) Except as provided in subdivision (b), a crematory regulated by the Cemetery and Funeral Bureau shall knowingly cremate only human remains in cremation chambers, along with the cremation container, personal effects of the deceased, and no more than a negligible amount of chlorinated plastic pouches utilized for disease control when necessary.
- (b) (1) Notwithstanding any other law, a crematory regulated by the Cemetery and Funeral Bureau also may incinerate one or more American flags, under the following conditions:
- (A) Incineration of the flag or flags is performed separately from the cremation of human remains, as provided in subdivision (a).
- (B) Incineration of the flag or flags is in accordance with Section 8(k) of Title 4 of the United States Code.
- (C) Incineration of the flag or flags occurs within one week before or after any of the following:
- (i) Presidents' Day.
- (ii) Memorial Day.
- (iii) Flag Day.
- (iv) Independence Day.
- (v) Veterans' Day.
- (2) Nothing in this subdivision shall be construed to attempt to restrict or otherwise infringe upon any person's right to free expression under the First Amendment to the United States Constitution.

(Amended by Stats. 2020, Ch. 72, Sec. 1. (AB 2134) Effective January 1, 2021.)

- 8344.6. (a) A crematory that incinerates an American flag or flags pursuant to Section 8344.5 shall maintain on its premises an accurate record of all American flags incinerated as specified in Section 8344.5, including all of the following information:
- (1) Name of the organization or person requesting incineration of the flag or flags.
- (2) Date of incineration of the flag or flags.
- (3) Name of the cremation chamber operator.
- (4) Time and date that the flag or flags were inserted in the cremation chamber.
- (5) Time and date that the flag or flags were removed from the cremation chamber.
- (6) Weight of the ashes of the flag or flags after being removed from the cremation chamber.
- (7) Disposition of the ashes of the incinerated flag or flags.
- (b) This information shall be maintained in the crematory log for at least 10 years after the incineration of an American flag or flags and shall be subject to inspection by the Cemetery and Funeral Bureau.

(Added by Stats, 2013, Ch. 205, Sec. 2. (SB 119) Effective January 1, 2014.)

8345. If a cremated remains container is of insufficient capacity to accommodate all cremated remains of a given deceased, the crematory shall provide a larger cremated remains container at no additional cost, or place the excess remains in a secondary cremated remains container and attach the second container, in a manner so as not to be easily detached through incidental contact, to the primary cremated remains container for interment, scattering, or other disposition by the person entitled to control the disposition.

(Added by Stats. 1993, Ch. 1232, Sec. 31. Effective January 1, 1994.)

- 8345.5. A crematory shall not accept human remains for cremation unless the remains meet all of the following requirements:
- (a) The remains shall be in a cremation container, as defined.
- (b) The cremation container shall be labeled with the identity of the decedent. (Added by Stats. 1993, Ch. 1232, Sec. 32. Effective January 1, 1994.)
- **8346.** Within two hours after a crematory licensed by the State of California takes custody of a body that has not been embalmed, it shall refrigerate the body at a temperature not greater than 50 degrees Fahrenheit unless the cremation process will begin within 24 hours of the time that crematory took custody.

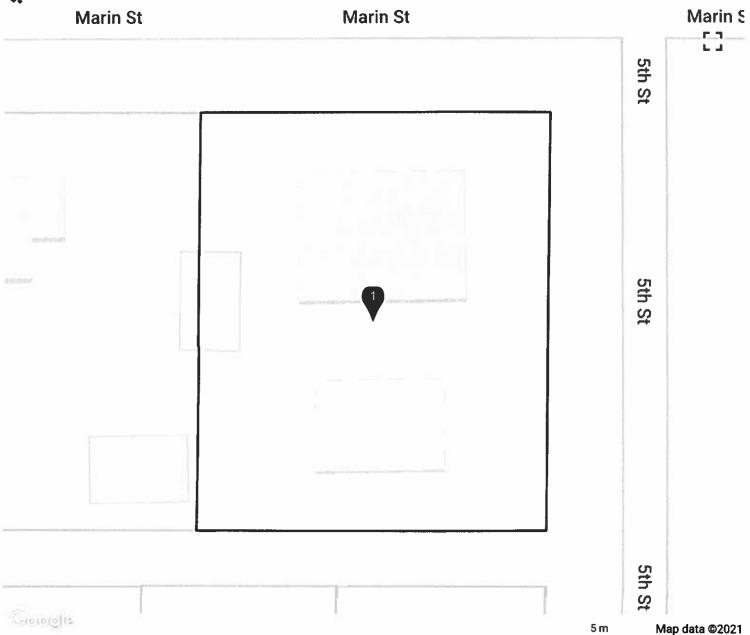
(Amended by Stats. 1994, Ch. 570, Sec. 10. Effective January 1, 1995.)

8346.5. Every crematory operator, or duly authorized representative shall provide to any person who inquires in person, a written, or printed list of prices for cremation and storage, cremation containers, cremated remains containers and urns, and requirements for cremation containers. This information shall be provided over the telephone when requested. Commencing July 1, 1994, any written or printed list shall identify the crematorium and shall contain, at a minimum, the current address and phone number of the Cemetery and Funeral Bureau in 8-point boldface type, or larger.

(Amended by Stats. 2000, Ch. 568, Sec. 248. Effective January 1, 2001.)

- 8347. (a) The crematory licensee, or his or her authorized representative shall provide instruction to all crematory personnel involved in the cremation process. This instruction shall lead to a demonstrated knowledge on the part of an employee regarding identification procedures used during cremation, operation of the cremation chamber and processing equipment and all laws relevant to the handling of a body and cremated remains. This instruction shall be outlined in a written plan maintained by the crematory licensee for inspection and comment by an inspector of the Cemetery and Funeral Bureau.
- (b) No employee shall be allowed to operate any cremation equipment until he or she has demonstrated to the licensee or authorized representative that he or she understands procedures required to ensure that health and safety conditions are maintained at the crematory and that cremated remains are not commingled other than for acceptable residue, as defined. The crematory licensee shall maintain a record to document that an employee has received the training specified in this section.
- (c) On or after March 1, 1994, any crematory that fails, when requested by an official of the bureau, to produce a written employee instruction plan, or record of employee training for inspection, shall have 15 working days from the time of the request to produce a plan or training record for review by the chief of the Cemetery and Funeral Bureau. The license of the crematory shall be suspended, pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, if no plan or training record is produced for review after 15 working days have elapsed.

(Amended by Stats. 2000, Ch. 568, Sec. 249. Effective January 1, 2001.)



ITEM NO: E-3
RECOMMENDATION TO CITY
COUNCIL TO APPROVE THE
PROPOSED ZONING CODE UPDATE
AND ADOPT ASSOCIATED
ORDINANCE 694.
March 16, 2021

TO: PLANNING COMMISSION OF THE CITY OF CORNING

FROM: KRISTINA MILLER, CITY MANAGER CHRISSY MEEDS, PLANNER 1

PROJECT DESCRIPTION:

In Spring 2020, the City of Corning began updating the City's Zoning Code, working under an SB-2 grant from the State of California Department of Housing and Community Development. Staff and the City's Consultants, Interwest have completed a draft of the updates, which are being presented to review by the public, Planning Commission, and City Council.

The proposed amendments to the Zoning Code are focused in the following areas:

- Addressing recent changes in State housing legislation that require the City to make changes to the Zoning Code.
- Modernizing outdated portions of the Zoning Code, and;
- Streamlining the processes established in the Zoning Code that must be followed when Developers and homeowners submit projects and work with the Planning Department.

The changes to the Zoning Code are coordinated with amendments to the City's Housing Element (a chapter of the Corning General Plan), which is being concurrently updated to meet the requirements of State law.

No properties will be rezoned as part of this process; the Zoning Map is not proposed to be changed.

Below is a list of proposed revisions and additions in the Zoning Code. The sections of the Code which are proposed to be updated are included in the attachments to this report.

- Updated the General-Purpose statement in Section 17.04.030 of the Code, addressing the relationship to the General Plan's goals and policies. In addition, purpose statements promoting high-quality design and preserving the quality of life and character of existing residential neighborhoods were added.
- Revised and added new housing-related definitions in Chapter 17.06, including terms such as "group residential," "assisted living," "family day care," etc.. Definitions for various housing types were also added or updated to match the revisions in the residential zoning districts section.
- Prepared new purpose statements that discuss uses found in each residential zoning district, relationship with the associated General Plan land use categories, and maximum density limits allowed (Chapter 17.10).

- Created a new development standards table in Chapter 17.10 for residential zoning districts to make it easier to find lot size requirements, setbacks, and building height information.
- Updated the types of residential uses allowed in residential zones to allow a variety of housing options in the City.
- Updated residential zoning districts to allow multi-family by right in the R-2 and R-3 districts (Chapters 17.12 and 17.13).
- Updated maximum density limit in the R-4 district to 28 dwelling units per acre to match the Multi-Family Residential land use designation in the City's General Plan (Chapter 17.14).
- In the R-3 and R-4 districts (Chapters 17.13 and 17.14), a new requirement was added calling for a minimum of 10% of the units in multi-family developments containing 20 or more units to be three bedrooms. This will help address the housing needs of larger families.
- Updated the height limit in the R-3 district to accommodate up to 3-story buildings (40 feet maximum) for townhouses, condominiums, and apartments (Chapter 17.13).
- In Chapter 17.14, updated the height limit in the R-4 district to accommodate up to 4-story buildings (55 feet maximum) for apartments, condominiums, and mixed use (residential over commercial/office).
- Developed objective development and design standards for affordable multi-family housing projects (Chapter 17.11) meeting the eligibility requirements for streamlining under state law (SB 35).
- Updated the City's Accessory Dwelling Unit (ADU) regulations to meet new State law that took effect Jan. 1, 2020. The new regulations provide clear standards for building or converting living space into an ADU and will help Corning property owners seeking to provide housing opportunities.
- Revised Ch. 17.11 Multi-Family Residential Development and Design Guidelines to clarify and streamline the review process.

The proposed Zoning Code Update is available for review on the City of Corning website located at www.corning.org under Planning/Recreation (lower right side of home page), Zoning Code Update November 2020.

ACTION:

MOVE TO MAKE RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE PROPOSED ZONING CODE UPDATE AND ADOPT ORDINANCE 694.

CORNING MUNICIPAL ORDINANCE 694

AN ORDINANCE OF THE CITY OF CORNING AMENDING TITLE 17 (ZONING) BY REPEALING AND REPLACING IN THEIR ENTIRETY THE FOLLOWING SECTIONS OF THE ZONING CODE: 17.04, 17.06, 17.08, 17.10, 17.12, 17.14, 17.16 AND 17.51, AND ADDING NEW SECTIONS ADDRESSING "MULTI-FAMILY RESIDENTIAL OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS," "ACCESSORY DWELLING UNITS," AND "REASONABLE ACCOMMODATION"

WHEREAS, the City recognized that portions of the Corning Zoning Code required updates to conform with recently enacted provisions of state law, to update information, and to streamline the process of reviewing and approving new residential projects; and

WHEREAS, the City applied to the State of California for grant funding under the "SB-2" process to fund the updating of the Zoning Code consistent with the purposes of SB-2; and

WHEREAS, the City received a grant from the State of California to fund updates to the Zoning Code and the Housing Element of the General Plan to further the objectives listed above; and

WHEREAS, work on the updated Zoning Code commenced in early 2020; and

WHEREAS, Staff and the City's consultants have created a draft updated Zoning Code which achieves the goals set forth in the City's application to the State of California through the SB-2 grant process; and

WHEREAS, the updates revise the text of the following sections of the Zoning Code: 17.04, 17.06, 17.08, 17.10, 17.12, 17.14, 17.16 and 17.51; and

WHEREAS, new Zoning Code sections have been created addressing "Multi-Family Residential Objective Design and Development Standards," "Accessory Dwelling Units," and "Reasonable Accommodation" in order to comply with the requirements of state law and provide specific guidance to staff, the public, and businesses on these topics; and

WHEREAS, the draft updated Zoning Code was made available for public review in November 2020; and

WHEREAS, the environmental impacts of the Zoning Code Update have generally been addressed in the Final General Plan EIR prepared for the most recent update of the Corning General Plan; and

WHEREAS, the City Council finds that the foregoing recitals and findings are true and correct, and adopts this Ordinance based on the entirety of the record;

The City Council of the City of Corning does ordain as follows:

SECTION 1 -- REPEAL AND REPLACEMENT OF EXISTING ZONING CODE SECTIONS:

- a) The following existing sections of the Corning Zoning Code are repealed in their entirety: 17.04, 17.06, 17.08, 17.10, 17.12, 17.14, 17.16, and 17.51
- b) The following updated sections of the Corning Zoning Code are adopted to replace the sections repealed in item a) above: 17.04, 17.06, 17.08, 17.10, 17.12, 17.14, 17.16, and 17.51

These sections are included in their entirety in the attachments to this Ordinance.

SECTION 2 -- ADOPTION OF NEW ZONING CODE SECTIONS:

a) The following sections are added to the Corning Zoning Code:

"Multi-Family Residential Objective Design and Development Standards,"

"Accessory Dwelling Units," and

"Reasonable Accommodation"

These sections are included in their entirety in the attachments to this Ordinance.

SECTION 3 – SEVERABILITY:

Severability any section, sentence, clause, or phrase of this article is for any reason held to be invalid or if unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this article. The Council hereby declares that it would have passed this Ordinance and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4 - EFFECTIVE DATE AND SUMMARY PUBLICATION:

This Ordinance shall take effect 30 days after its final passage and pursuant to its publication within fifteen days after its adoption in the Corning Observer, a newspaper of general circulation published and distributed in the City of Corning.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of March 23 2021, and enacted at a regular meeting of the City Council of the City

of Corning held on April 13, 2021 , and enacted a	ing vote:
AYES:	
NOES:	
ABSTAIN:	
ABSENT:	
	Robert E. Snow, Mayor
ATTEST:	
Lisa Linnet, City Clerk	
correct copy of Ordinance 694. This Ordinance Council of the City of Corning held on March 23	g do hereby certify that the foregoing is a true and was introduced at a regular meeting of the City 3, 2021 and is to be adopted at a regular meeting ordinance 694 was published in a newspaper of lelines.
ATTEST:	
Lisa M. Linnet	
City Clerk	

SUMMARY ORDINANCE 694

SUMMARY OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNING AMENDING TITLE 17 (ZONING) BY REPEALING AND REPLACING IN THEIR ENTIRETY THE FOLLOWING SECTIONS OF THE ZONING CODE: 17.04, 17.06, 17.08, 17.10, 17.12, 17.14, 17.16 AND 17.51, AND ADDING NEW SECTIONS ADDRESSING "MULTI-FAMILY RESIDENTIAL OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS," "ACCESSORY DWELLING UNITS," AND "REASONABLE ACCOMMODATION"

Pursuant to Government Code Section 36933(c), the following constitutes a summary of Ordinance No. 694 introduced by the Corning City Council on March 23, 2021 and scheduled for consideration of adoption on April 13, 2021 at its meeting held in the City Council Chambers at 794 Third Street, Corning, California.

The City of Corning City Council seeks to amend its entire Zoning Code to comply with recent changes in California law. Including but not limited to updating and adding new terms and definitions to the Zoning Code, updating the list of Zoning Districts, updating the requirements for constructing low-income housing, amending density bonus section, adding a new chapter on reasonable accommodating, and completely amending the accessory dwelling units section of the Code. The environmental impacts of the amendments to the Zoning Code were addressed in the Final General Plan EIR prepared for the most recent update of the Corning General Plan.

A certified copy of the full text of the Ordinance is posted and available for review in the City Clerk's Office at 794 Third Street, Corning, California. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. This Ordinance is to be introduced by the City Council of the City of Corning on March 23, 2021 and is scheduled for consideration of adoption on April 13, 2021.

Lisa M. Linnet, Corning City Clerk

Posted at Corning City Hall and Published on or before April 7, 2021.

ITEM NO: F-4
PLANNING DEPARTMENT
ANNUAL UPDATE
PRESENTATION
March 16, 2021

TO: PLANNING COMMISSIONERS

FROM: CHRISSY MEEDS, PLANNER 1 CM

SUMMARY:

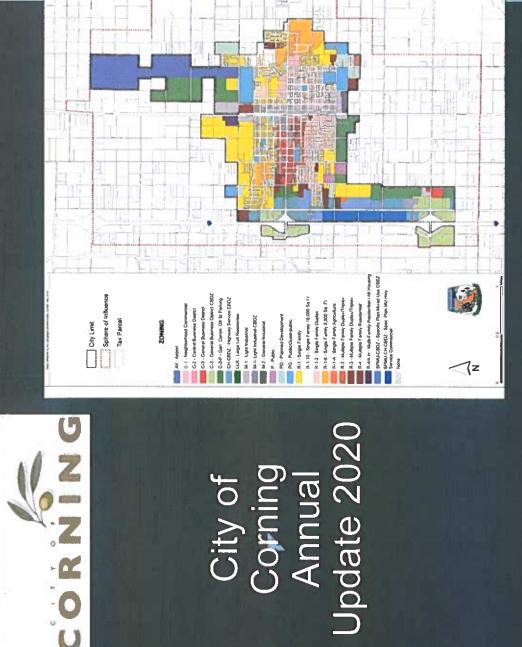
Staff has prepared a Planning Department 2020 Annual Update PowerPoint Presentation outlining the following:

- Fiscal Year 2020 Projects;
- Fiscal Year 2020 Project Statistics; and
- Fiscal Year 2020 Year-end Summary.

This Presentation also encompasses a preview of known 2021 Projects and Planning Department Goals for 2021.

ACTION:

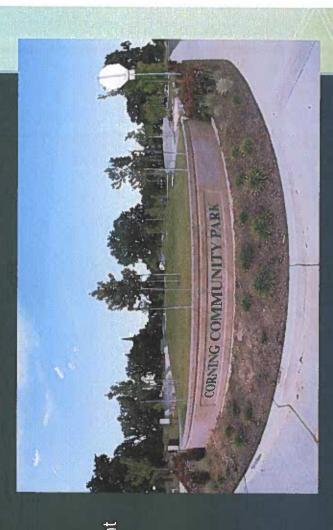
PRESENTATION ONLY; NO ACTION NECESSARY.





corning Projects and Tasks

- SB2 Grant Projects
- Local Early Action Planning (LEAP) Grant projects
- GIS System updates
- Annual Reports to HCD and HUD
- Regional Early Action Planning (REAP) Grant project with the County.





- Parcel Maps (0)
- Lot Line Adjustments (0)
- Subdivision Maps (2)
- Conditional Use Permits (4)
- Zone Changes (4)
- Variances (3)
- General Plan Amendment (0)
- 2019-2024 Housing Element









2020 Building Department Year-end Summary

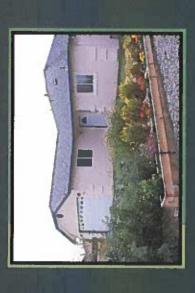
- Total Permits Issued: 151 vs. (130 in 2019)
- Total Permit Valuation: \$4,233,127.00 vs (\$21,032,500.91 in 2019)
- Total Fees Collected: \$80,076.55 vs. (\$1,046,084.05 in 2019)
- 7 New Single Family Dwellings Completed (All in the Stonefox Subdivision)
 Issued 2 new permits for ADU's

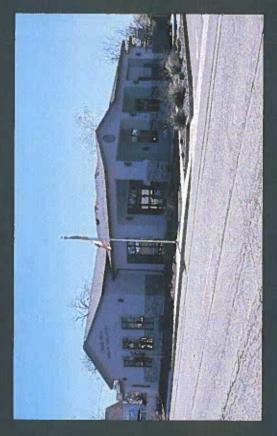
Data as of January 1, 2021



2021 PREVIEW.....Looking Ahead

- Residential Development...
- Complete Stone Fox Olive Grove Project
- Magnolia Meadows Phase
- Non-Residential Development
- Heritage RV Storage Hall Bros. Crematory
- Corning Cross Roads Phase I







2021 Planning Department Goals



- Zoning Code Adoption Density Bonus Ordinance

- ADU hand outs Work on Housing Element Policies Safety Element Updates
- Work with GIS to get our zoning map nteractive -- Ongoing
- Documents available online. -- Ongoing Work with I-word to get all Planning



