



**CITY OF CORNING
PLANNING COMMISSION MEETING AGENDA**

**TUESDAY, DECEMBER 20, 2022
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

**Commissioners: Barron
Poisson
Mesker
Lamb
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 November 15, 2022 Planning Commission Meeting with any necessary corrections.**

E. PUBLIC HEARINGS AND MEETINGS:

- 2. Public Hearing: Variance; Maria Leon, A request to vary into the 6' side-yard setback in order to construct a 12' x 12; covered patio in an R-1-2 Zone. Location: 817 Walnut Street, APN: 073-134-001.**
- 3. Public Hearing: Use Permit 2022-310, California Inn, to establish a Commercial Inn within an existing building for overnight stays not to exceed 30-days. Address: 3040 Highway 99W, APN: 087-040-075.**
- 4. Public Hearing: Adopt Use Permit 2022-304 and Resolution 12-20-2022-01, a Resolution adopting the Mitigated Negative Declaration for the Laurel AG and Water Storage Facility. Applicant Jessie Lopez representing Laurel AG and Water, request to establish a Storage Yard north of the existing Business to store irrigation materials, equipment, and construction crew vehicles. Location: Directly to the north of 2920 Highway 99W; APN: 87-040-73.**
- 5. Public Hearing: Variance; Applicant Jessie Lopez representing Laurel AG and Water, request to vary from the Highway Specific Guidelines on the fencing type. Location: Directly to the north of 2920 Highway 99W; APN: 87-040-073.**

F. REGULAR AGENDA:

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR:

H. ADJOURNMENT!:

POSTED: FRIDAY, DECEMBER 16, 2022



**CITY OF CORNING
PLANNING COMMISSION MEETING MINUTES
TUESDAY, NOVEMBER 15, 2022
CITY COUNCIL CHAMBERS
794 THIRD STREET
CORNING, CA 96021**

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

B. ROLL CALL:

**Commissioners: Barron
Poisson
Mesker
Lamb
Chairman: Robertson**

All Commissioners were present.

C. BUSINESS FROM THE FLOOR: None.

D. MINUTES:

- 1. Waive the reading and approve the Minutes of the October 18, 2022 Planning Commission Meeting with any necessary corrections.**

Commissioner Mesker moved to approve the Minutes as written; Commissioner Poisson seconded the motion. **Ayes: Robertson, Barron, Poisson, Mesker, and Lamb. Absent/Abstain/Opposed: None. Motion was approved by a 5-0 vote.**

E. PUBLIC HEARINGS AND MEETINGS:

- 2. Public Hearing: Use Permit 2022-309, Liquor Warehouse, to establish a commercial kitchen within the existing business for preparing "Food To Go" only. Address: 3070 Highway 99W, APN: 087-040-057.**

Presented by Planner II Christina Meeds who announced that Mr. Singh is present tonight to respond to any questions. She explained that Mr. Singh is planning on establishing a commercial kitchen to accommodate "To Go Orders" only. Ms. Meeds stated that the property is properly zoned for this use, and the use would be a second use for his existing business. She confirmed that no CEQA is required for this additional use. Staff has required that Mr. Singh comply with all City, Building, and Environmental Codes, and she explained why no additional parking is required in response to the secondary use.

Chairperson Robertson opened the Public Hearing. Commissioner Mesker asked the requirement for the Use Permit; Ms. Meeds explained that it is because it is within the C-3, CDBZ Zone. Commissioner Poisson asked if a Food Truck is established and a Restaurant was to be located there, can they; the answer was yes.

Commissioner Poisson moved to adopt the four Factual Subfindings and Legal Findings as presented in the staff report and approve Use Permit 2022-309 permitting a kitchen within the existing business of Liquor Warehouse subject to the three (3) Conditions of Approval as recommended by Staff. Commissioner Barron seconded the motion. **Ayes: Robertson, Barron, Poisson, Mesker, and Lamb. Opposed/Absent/Abstain: None. Motion was approved by a 5-0 vote.**

F. REGULAR AGENDA: None.

G. PUBLIC COMMENTS AND BUSINESS FROM THE FLOOR: None.

H. ADJOURNMENT!: 6:40pm

Lisa M. Linnet, City Clerk

ITEM NO.: E-2
VARIANCE. A REQUEST TO VARY INTO
THE 6' SIDE YARD SETBACK IN ORDER
TO CONSTRUCT A 12 x 12 COVERED
PATIO IN AN R-1-2 ZONE. MARIA LEON;
817 WALNUT ST., APN 73-134-001
DECEMBER 20, 2022

TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING
FROM: CHRISSY MEEDS, PLANNER II 

PROJECT DESCRIPTION:

Variance Application to permit a 3'-0" encroachment into the required 6' side yard setback for a covered carport in an R-1-2 (Single-Family Duplex) Zoning District on the property identified as 817 Walnut St., Assessor's Parcel No. 73-134-001.

RECOMMENDATION:

SHOULD THE PLANNING COMMISSION DETERMINE THAT THE GRANTING OF THE VARIANCE FOR THIS PROJECT IS COMPATIBLE WITH THE SURROUNDING AREA AND CONSISTENT WITH CITY CODE AND POLICY, THE FOLLOWING MOTIONS ARE IN ORDER:

A. MOVE TO ADOPT THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL:

FINDINGS:

1. The project is exempt from CEQA requirements pursuant to Guidelines Section 15305 (inserted). This exemption provides for minor setback variances where no additional parcels are created.
2. Physical characteristics of this property create a special circumstance that prevents the property owner from enjoying something possible on other properties with the same zoning designation.
3. Approval of the request will not adversely affect the safety or welfare of other residents and property owners in the vicinity or in the community.
4. Approval of the request will not constitute the granting of a privilege inconsistent with the restrictions on other properties in the City with the same zoning designation.

CONDITIONS OF APPROVAL:

1. Construction shall be in substantial accordance with the California Building Code and applicant will need to apply for a Building Permit with the City of Corning.
2. Any driveway widening shall be surfaced with concrete.
3. Applicant shall obtain an Encroachment Permit for any widened street encroachment.

BACKGROUND:

Maria Leon owns the property at 817 Walnut Street. Please refer to the attached copy of the Assessor's Map. The subject property is a corner lot. The existing residence was built in 1928, prior to having codes and setbacks. The house sits in the middle of the lot with an existing detached garage structure and shed at the rear of the property. The owner would like to build a covered carport (35' by 12') to enter the home without being exposed to inclement weather and to do that they will need to encroach 3' into the 6' side yard setback. Please see attached drawing marked "Site Plan" and Google Earth image. (Exhibit A)

Maria's father Nicolas, along with some friends started building the covered carport without applying for a Permit. The City of Corning's building inspector happened upon them working on the project and stopped to tell them they needed a permit and a variance as they are encroaching into setbacks. A red tag was issued. They stopped working immediately and came into the office. At this time the foundation has been poured and the structure is framed. Fire Chief Tom Tomlinson does not believe there would be any fire hazards.

This application for a variance is similar to others that were approved by the Planning Commission for similar circumstances.

PROVISIONS FOR VARIANCES IN THE CITY CODE:

Attached is a copy of Chapter 17.58 of the City Code (Exhibit B). This chapter provides guidance for Variance approval in those cases...“where practical difficulties, unnecessary hardships, or results inconsistent with the purpose and intent...of the code” including yard and space requirements such as setbacks occur.

Commissioners will note three issues which must be addressed in Section 17.58.020. Those issues and supporting information follow:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district.*

Response. With the house sitting so close to the side yard setback lines, it prohibits a proportionally carport from being built without encroaching into the side yard setback.

- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.*

Maria Leon wishes only to provide a covered carport space so that she gets out of the weather going to and from her vehicle.

- C. That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health and safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

Staff has visited the site and reviewed the application. The proposed addition will not substantially reduce the safe site distance for vehicles exiting the neighboring driveways. There is no evidence that the proposed carport addition will adversely affect or be detrimental or injurious to anyone working or residing in the vicinity.

ENVIRONMENTAL REVIEW:

This project is exempt from CEQA pursuant to Guidelines Section 15305.a (copy attached).

COMMENTS FROM SURROUNDING PROPERTY OWNERS:

Notice of this application was provided via US mail to all property owners within 300 feet of Maria Leon's property and published in the local newspaper. As of this writing we have received no comments.

CEQA Exemption

15305. Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

(b) Issuance of minor encroachment permits.

(c) Reversion to acreage in accordance with the Subdivision Map Act.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

Exhibit "A"

Applicant's Information:

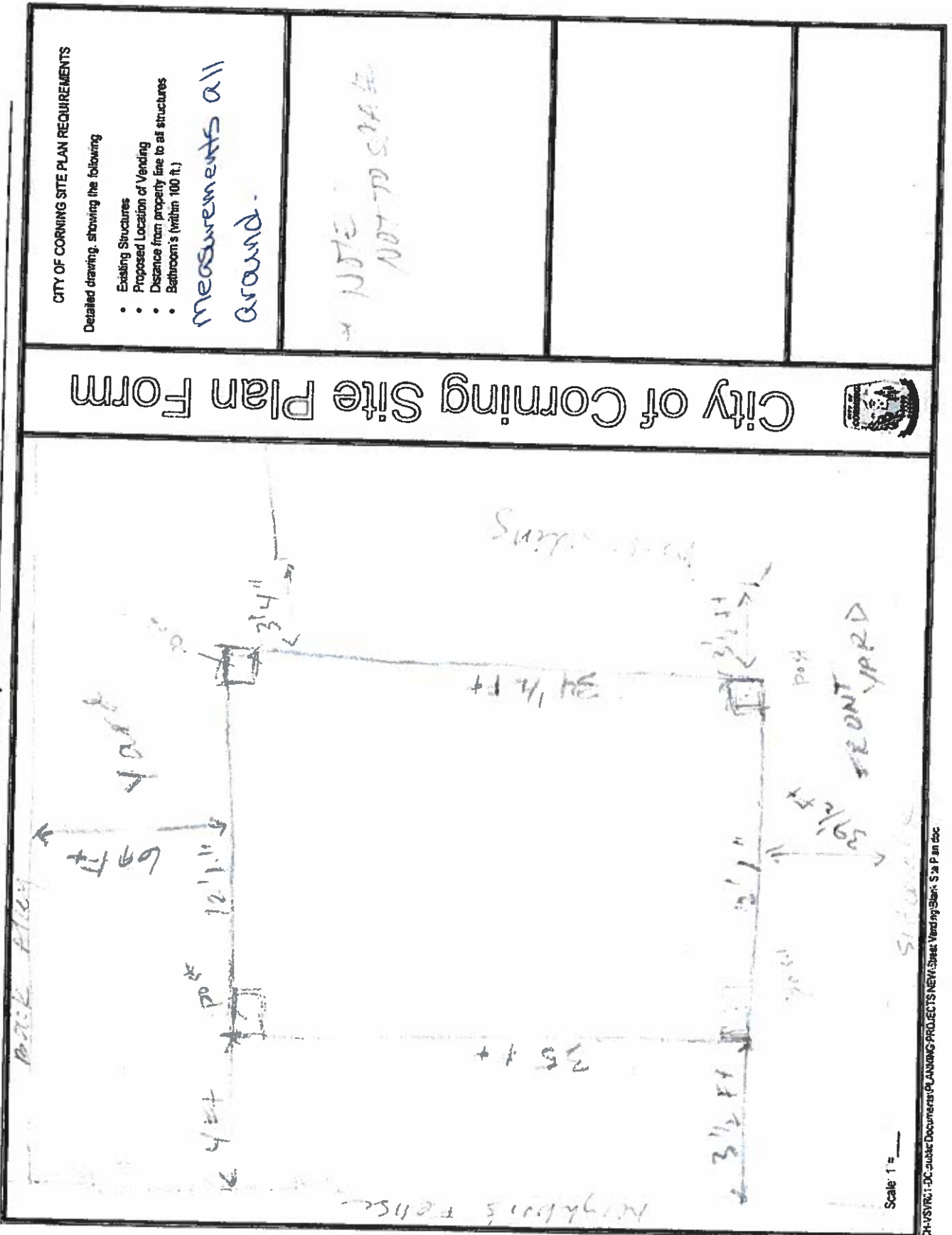
Name: MARIA LEON

Telephone No: (510) 229-9488 Site Address: 817 Walnut St

Date Submitted: NOV. 10, 2022

APN: _____

Proposed Use: Carport



City of Corning Site Plan Form



CITY OF CORNING SITE PLAN REQUIREMENTS

Detailed drawing, showing the following

- Existing Structures
- Proposed Location of Vending
- Distance from property line to all structures
- Bathroom's (within 100 ft.)

measurements all around.

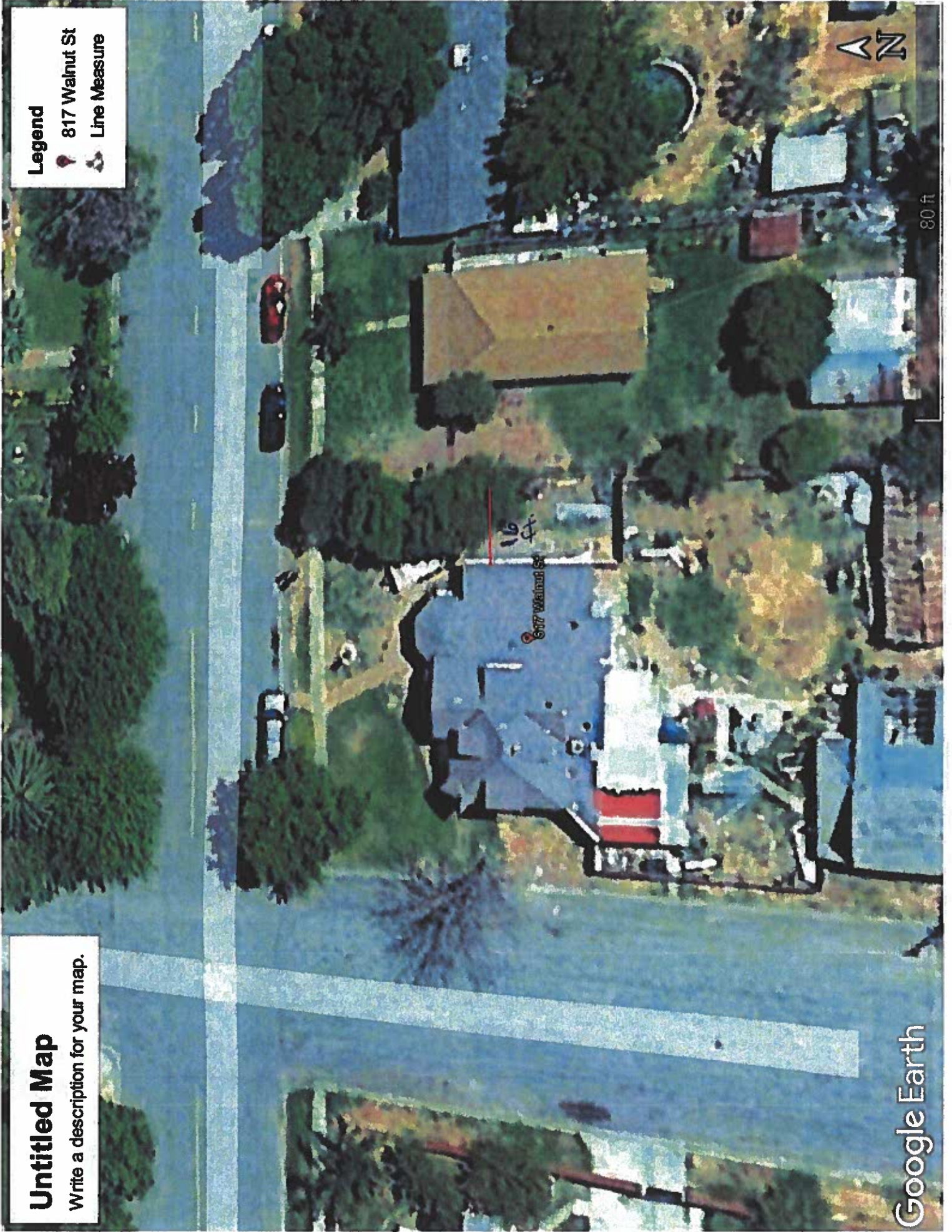
* NOTE NOT TO SCALE

Untitled Map

Write a description for your map.

Legend

- 817 Walnut St
- Line Measure



Chapter 17.58 - VARIANCES

Footnotes:

-- (15) --

For statutory provisions on variances, see Gov. Code §65906.

17.58.010 - Applicability.

In extraordinary situations, when the physical characteristics of property, such as size, shape, topography, location or surroundings, or when it creates unnecessary hardship, or results inconsistent with the purposes and intent of this title may result from the strict application of certain area, height, yard and space requirements thereof, variances in such requirements may be granted as provided in this section.

(Ord. 153 §23.01, 1959).

(Ord. No. 677, 3-26-2019)

17.58.020 - Application—Fee.

Application for a variance shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a fee set forth in the fee schedule plus costs, no part of which shall be returnable to the applicant, and by statements, plans and other evidence showing:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district;
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;
- C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(Ord. 340 §1(c), 1979; Ord. 153 §23.02, 1959).

(Ord. No. 677, 3-26-2019)

17.58.030 - Public hearing.

- A. A public hearing in front of the planning commission shall be held within sixty days after filing of

application, notice of which shall be given by one publication in a newspaper of general circulation in the city and/or by posting notice on the property involved or adjacent thereto at least ten days prior to such hearing.

- B. The planning commissions shall conduct the public hearing and hear testimony for and against the application. The public hearing may be continued to a following date without further notice.

(Ord. 153 §23.03, 1959).

(Ord. No. 677, 3-26-2019)

17.58.040 - Action by planning commission.

Following the public hearing, the planning commission shall make findings of fact showing whether the qualifications under section 17.58.020 apply to the land for which a variance is sought, and whether such variances shall be in harmony with the general purposes of this title. If such findings are in the affirmative, then the planning commission shall by resolution approve such variance. The planning commission may designate conditions and guarantees in connection with the variance to secure the purpose of this title.

(Ord. 478 §1, 1988; Ord. 153 §23.04, 1959).

(Ord. No. 677, 3-26-2019)

17.58.050 - Appeal.

Appeal from the findings and decision of the planning commission may be made, in writing, to the city council within ten days from the date of the commission's action and shall be accompanied by a fee as set forth in the fee schedule.

(Ord. 478 §2, 1988; Ord. 153 §23.05, 1959).

(Ord. No. 677, 3-26-2019)

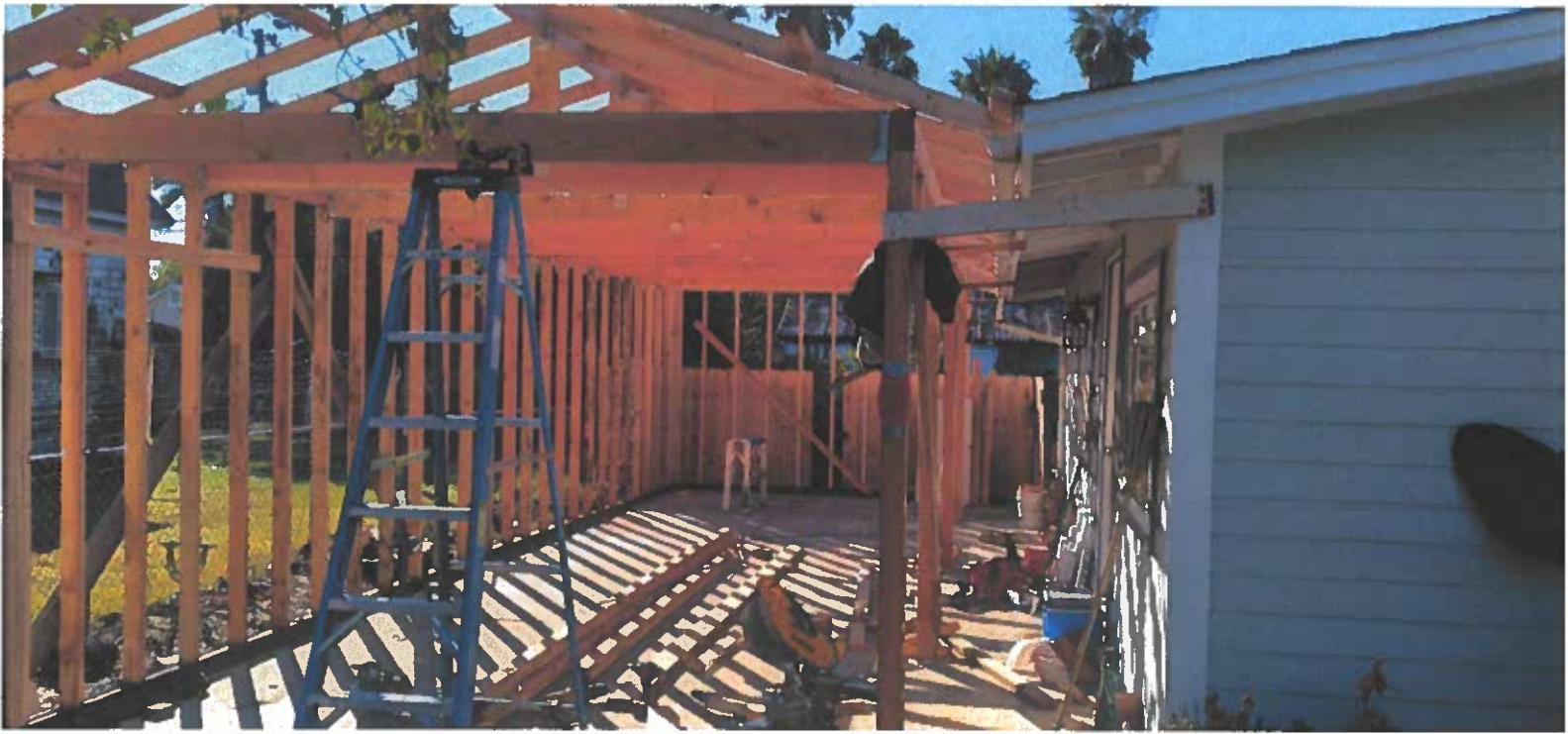
17.58.060 - Revocation.

- A. In any case where the conditions of granting of a variance have not or are not complied with, the city council shall give notice to the permittee of intention to revoke such variance of at least ten days prior to hearing thereon. After conclusion of the hearing the council may revoke such variances.
- B. In any case where a variance has not been used within one year after the date of granting thereof, then, without further action by the council, the variance granted shall be null and void.

(Ord. 153 §23.06, 1959).

(Ord. No. 677, 3-26-2019)

Exhibit "C"



**ITEM NO: E-3
USE PERMIT 2022-310. TO ESTABLISH
A COMMERCIAL INN WITHIN AN
EXISTING BUILDING FOR OVERNIGHT
STAYS NOT TO EXCEED 30 DAYS.
APN: 087-040-075, ADDRESS: 3040
HIGHWAY 99W
DECEMBER 20, 2022**

**TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING
FROM: CHRISSE MEEDS, PLANNER II
KRISTINA MILLER, CITY MANAGER** 

PROJECT DESCRIPTION:

Kartar Singh is proposing to establish a Commercial Inn within the existing building known as the California Inn located at 3040 Highway 99W. California Inn is currently closed as the building was red tagged by the City's Building Official in April of 2021 for multiple issues. All of the issues have been corrected and now Mr. Singh would like to re-open the California Inn.

The building is currently zoned C-3- CBDZ, and the California Inn would be an allowed use of the parcel with a Use Permit. The California Inn has never been issued a Use Permit, but this use is allowed with in the zoning designation. The California Inn will be used for over night stays, with no stays continuing past 30 days. Mr. Singh will be required to file Transient Occupancy Taxes with the City.

GENERAL PLAN LAND USE DESIGNATION:

C – Commercial

ZONING:

C-3 – General Business District. This district classification is intended to be applied where general commercial facilities are necessary for public service and convenience.

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 therefore 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 exist 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.

Staff determined there is no expansion of the previous existing use and therefore exempt from CEQA pursuant to Section 15301, Class 1.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following four (4) Factual and Legal Findings, and seven (7) Conditions of Approval, or similar, Factual Subfindings and Legal Findings for Use Permit 2022-310.

Factual Subfinding #1

The project will allow the establishment of a commercial Inn within an existing building where an Inn once was located.

Legal Finding #1

The granting of Use Permit 2022-310 is a negligible use of the existing building and therefore exempt from CEQA pursuant to Section 15301, Class 1.

Factual Subfinding #2

The existing site and building proposed for the California Inn is located in an area zoned C-3 General Business District CBDZ

Legal Finding #2

The proposed Inn is an established use and not recognized as creating offensive conditions therefore the proposed California Inn is permitted upon approval of a Use Permit in the General Business District.

Factual Subfinding #3

The site and building for the proposed project have historically been used for commercial businesses like this one.

Legal Finding #3

The existing building is adequate in size, shape, and topography to allow for the proposed project of an Inn.

Factual Subfinding #4

The existing building is located along the west side of Highway 99W.

Legal Finding #4

Highway 99W is an existing public road adequate in width and pavement to carry the amount of traffic generated by the proposed use.

ACTION:

MOVE TO ADOPT THE FOUR, OR SIMILAR, FACTUAL SUBFINDINGS AND LEGAL FINDINGS AS PRESENTED IN THE STAFF REPORT AND APPROVE USE PERMIT 2022-310 PERMITTING AN INN WITHIN THE EXISTING BUILDING KNOWN AS THE CALIFORNIA INN, SUBJECT OT THE SEVEN (7) CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OPENING, AS RECOMMENDED BY STAFF.

Condition #1

The Applicant must comply with all local, State, and Federal regulations especially those imposed by the City of Corning's Building and Fire Departments.

Condition #2

Comply with the City of Corning Outdoor Advertising Sign Regulations.

Condition #3

The proposed Inn will not be allowed stays of 30 days or more.

Condition #4

The Inn will be required to establish and file Transient Occupancy Tax with the City of Corning on a quarterly basis.

Condition #5

All public frontage improvements shall be constructed in accordance with the City of Corning Public Works Standards and shall include at a minimum of curb, gutter, sidewalk, driveways, storm drainage infrastructure and expansion of Hwy 99w fog line to connect to the new concrete improvements. It is understood that the existing fire hydrant and the AT&T pole will conflict with the proposed sidewalk improvements. The City will find it acceptable to place separated curb, gutter, and sidewalk in that area to include a landscape strip where those items can remain. The guy wire for the pole will be in conflict with the new road improvements and it will be the Developer's responsibility to contact AT&T to get that relocated.

Condition #6

A new accessible parking space and an accessible pathway from the building to the public sidewalk will also need to be installed

Condition #7

The existing water meter will need to be relocated behind the new sidewalk and a backflow preventor installed. The sewer lateral will need to be located and a cleanout installed per City standards.

Or;

Move to adopt findings and deny the issuance of Use Permit 2022-310.

**ITEM NO: E-4
ADOPT INITIAL STUDY/MITIGATED
NEGATIVE DECLARATION AND USE PERMIT
2022-304 FOR LAUREL AG AND WATER, TO
ESTABLISH A STORAGE YARD DIRECTLY
NORTH OF THE EXISTING BUSINESS
LOCATED ALONG THE WEST SIDE OF HWY
99W, APPROXIMATELY 700 FEET NORTH OF
THE SOUTH AVE./HWY 99W. INTERSECTION.
APN: 87-040-73**

December 20, 2022

**TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING
FROM: CHRISSE MEEDS, PLANNER
KRISTINA MILLER, CITY MANAGER**

PROJECT DESCRIPTION:

Laurel Ag and Water has applied to establish a supply storage yard on the parcel directly North of the existing Laurel Ag & Water business. The undeveloped 4.47 acres APN# 087-040-073 leased parcel will be used to store irrigation materials and accommodate the equipment and vehicles used by their construction crews. The parcel will be accessed from their current location. The yard at the existing facility is at capacity. The parcel 087-040-073 is zoned CBDZ Corning Business Development Zone, which lies within the Highway 99W Corridor Specific Plan.

GENERAL PLAN LAND USE DESIGNATION:

Hwy99-W - Highway 99W Corridor Specific Plan. The Highway 99W Corridor Specific Plan is intended to provide a more detailed examination of the planning issues in the corridor than could be achieved in the City's General Plan. The purpose of the Specific Plan is to provide a comprehensive set of plans, policies, guidelines, and implementation measures for guiding and ensuring the orderly development of the Highway 99W corridor.

ZONING:

CBDZ, Corning Business Development Zone. The CBDZ Zone has been established to achieve the following purposes:

- A. To protect the public health, safety, and welfare by enhancing quality of life and improving the appearance of the city;**
- B. To provide protection against haphazard and traditional strip commercial development by implementing visual design guidelines established in the Highway 99W corridor specific plan;**
- C. To allow site development flexibility in return for well-conceived and efficient site planning and quality design;**

To establish overlay districts that carry out specific purposes prescribed by the Highway 99W corridor specific plan addressing specific subjects, such as freeway-oriented commercial development and mixed-use commercial development.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Mitigated Negative Declaration: A Mitigated Negative Declaration is a Negative Declaration prepared for a Project when the initial study has identified potentially significant effects on the environment, but revisions in the project plans or proposals made by, or agreed to by, the Applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and there is no substantial evidence in light of the whole record before the public agency that the Project, as revised, may have a significant effect on the environment.

Laurel Ag and Water contracted with Diaz and Associates to complete the Initial Study. Enplan completed the biological and wetland screening report. The Enplan report found several seasonal wetlands on the property and stated those areas must be avoided as a mitigation measure. The Initial Study Mitigated Negative Declaration was filed with the State on September 27th, 2022. Two comment letters were received, one from California Department of Fish and Wildlife (CDFW) and one from Tehama County Air Pollution Control District (Attachment 1). A field meeting was held with CDFW. As a result of the field meeting, CDFW later confirmed the wetlands were seasonal and agreed avoidance of the sensitive areas to the maximum degree is an acceptable mitigation measure (Attachment 2). The Tehama County Air Pollution Control District's concerns are addressed in conditions 1 and 4 (Attachment 3). The City's response to both comment letters can be found in Attachment 4.

CONSISTENCY WITH GENERAL PLAN:

The site is designated as Highway 99W Specific Plan on the General Plan Land Use Map. Under the Land Use Element the description of HWY99W, "provides for residential, commercial, industrial and recreation uses to be designed and developed under a comprehensive set of plans, policies, guidelines, and implementation measures for guiding and ensuring the orderly development of the Highway 99W Corridor with a full complement of services, facilities and utilities." The proposed use is consistent with the General Plan.

RECOMMENDATION:

- 1. Adopt the following, or similar, Findings for the Laurel Ag and Water Storage Facility project located on 4.47 acres of undeveloped land APN# 087-040-073:**

FINDING #1: That the Laurel Ag and Water Storage Facility Project is consistent with the City of Corning General Plan;

FINDING #2: That the Planning Commission has considered all comments received in accordance with CEQA Guidelines.

FINDING #3: That there is no substantial evidence that the project, with mitigation incorporated, will have a significant effect on the environment, fish and wildlife, or their habitat.

FINDING #4: That the mitigated negative declaration prepared for the Laurel Ag and Water Storage Facility reflects the City of Corning's Independent judgement and analysis.

2. Adopt the Mitigated Negative Declaration prepared for the Laurel Ag and Water Storage Facility Project as meeting the requirements of the California Environmental Quality Act and its guidelines; and
3. Adopt the following, or similar, **Subfindings and Findings for Use Permit 2022-304:**

Subfinding #1

The location of the expansion yard is in an area established with a variety of commercial uses.

Finding #1

The granting of Use Permit 2022-304 is a negligible use of commercial and retail space.

Subfinding #2

The land proposed for the establishment of the expansion yard for agricultural irrigation material and supplies is located on a parcel that is zoned CBDZ, Corning Business Development Zone.

Finding #2

The establishment of a storage yard for agricultural irrigation and supply is an allowed use in a CBDZ Zoning District pursuant to the granting of a conditional use permit by the Planning Commission and is consistent with the General Plan.

Subfinding #3

The proposed land to be used by the applicant is 4.47 acres in size and has historically been a vacant lot.

Finding #3

The proposed parcel the land is located on, is adequate in size, shape, and topography for the storage of agricultural irrigation materials and supplies.

Subfinding #4

The applicant proposes to establish a storage yard for agricultural irrigation materials and supplies in an area that is established with, and designated for, commercial use within the Hwy 99W Corridor Specific Plan.

Finding #4

The establishment of a storage yard for agricultural irrigation materials and supplies will not have an adverse effect upon the use, enjoyment, or valuation of adjacent or neighboring properties or upon the public welfare.

ACTION

1. **MAKE A MOTION TO ADOPT THE 4 FINDINGS AS PRESENTED AND ADOPT RESOLUTION 12-20-2022-01, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORNING ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE LAUREL AG & WATER STORAGE FACILITY PROJECT**
2. **MAKE A MOTION TO ADOPT THE 4 FINDINGS AND 4 SUBFINDINGS AS PRESENTED IN THE STAFF REPORT FOR USE PERMIT 2022-304; AND (PLEASE NOTE : PRIOR TO ADOPTING THE RECOMMENDED SUBFINDINGS & FINDINGS THE COMMISSION HAS THE ABILITY TO MODIFY OR REMOVE ANY OF THE SUBFINDINGS AND FINDINGS IF DEEMED APPROPRIATE BY A MAJORITY OF THE COMMISSION)**

- 3. MAKE A MOTION TO APPROVE USE PERMIT 2022-304 SUBJECT TO THE 22 CONDITIONS AS RECOMMENDED BY STAFF.
(PLEASE NOTE: THE COMMISSION HAS THE ABILITY TO MODIFY, DELETE OR ADD CONDITIONS PRIOR TO APPROVAL OF THE PROJECT.)**

OR:

Failing to make findings in support of the project recommend findings in denial of the project for consideration by the Commission.

Adopt findings in denial of the project and deny Use Permit 2022-304.

**STAFF RECOMMENDS THE FOLLOWING
CONDITIONS OF APPROVAL
FOR USE PERMIT 2022-304**

CONDITION #1 – COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS:

The development and operation of the storage facility must comply with all applicable local, state, and federal laws and regulations, including but not limited to, the City of Corning Building, Fire, Planning and Public Works Departments and all applicable Tehama County Air Pollution Control District rules. A list of Tehama County Air Pollution Control District rules that may apply can be found in Section 4.5 of the District's CEQA handbook. Development of the site must be in substantial conformance with the site improvement plans approved by the City of Corning Building, Fire, Planning, and Public Works Departments.

CONDITION #2- COMPLIANCE WITH SPECIFIC PLAN DESIGN GUIDELINES:

The Storage Facility must comply will all Specific Plan Design Guidelines for fencing and landscaping to screen visually objectionable views such as outdoors storage, utility cabinets, trash enclosures etc. as described in Chapter 17.53.040.2.C of the Corning Municipal Code.

CONDITION #3- REMOVE CONSTRUCTION DEBRIS:

Prior to the issuance of a Certificate of Occupancy for the facility all construction debris must be removed from the site.

CONDITION #4 - FUGITIVE DUST PERMIT:

Prior to commencement of any type of construction activities the applicant must submit a construction emission dust/control plan and obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval such as but not limited to maintenance of all construction equipment in proper tune according to the manufacturer's specifications, maximize to the extent feasible the use of equipment meeting current CARB certification standards for off-road heavy-duty diesel engines, registration in the CARB DOORS program and meeting all applicable standards for replacement and/or retrofit, and all portable equipment, including generators and air compressors rated over 50 brake horse power, registers in the Portable Equipment Registration Program or permitted through the Tehama County Air Pollution Control District as a stationary source.

CONDITION #5 - OPEN BURNING:

No opening burning shall occur on this parcel unless a special land clearing permit is obtained from the Tehama County Air Pollution Control District.

CONDITION #6 - COVER EXPOSED SOILS:

Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion prior to the beginning of the rainy season (October 15th).

CONDITION #7 - GRADING PLANS:

Complete grading plans shall be submitted for approval by the City Engineer.

CONDITION #8 - CULTURAL RESOURCES:

If any previously unevaluated cultural resources (i.e., burnt animal bone, midden soils, projectile points, or other humanly modified lithics, historical artifacts, etc.) are encountered, all earth-disturbing work shall stop within 50 feet of the find until a qualified archaeologist can make an assessment of the discovery and recommend/implement mitigation measures as necessary. Depending on the type and significance of the find, subsequent monitoring by an archaeologist or Native American may be warranted.

CONDITION #9 - HUMAN REMAINS:

If any human remains are encountered during any phase of construction, all earth disturbing work shall stop within 50 feet of the find. The county coroner shall be contacted to determine whether an investigation of the cause of death is required, as well as to determine whether the remains may be Native American in origin. Should Native American remains be discovered, the county coroner must contact the Native American Heritage Commission (NAHC). The NAHC will then determine those persons it believes to be most likely descended from the deceased Native American(s). Together with representatives of the people of most likely descent, a qualified archaeologist can make an assessment of the discovery and recommend/implement mitigation measures as necessary.

CONDITION #10 - STORMWATER POLLUTION PREVENTION PLAN:

Since the project plans to disturb more than one acre, prior to any site disturbance or earthmoving activities on or adjacent to the site, a construction period and post-construction period Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and presented to the Central Valley Regional Water Quality Control Board and approved by the City of Corning. The objective of the plan shall be no net loss of soil (above an undisturbed natural, stable background state) from the site due to erosion. All requirements of the post construction period SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner.

CONDITION #11 – DRAINAGE ANALYSIS:

Applicant shall provide a Drainage Analysis prepared by a registered Civil Engineer or Certified Hydrologist. The Analysis shall quantify the increased runoff resulting from a 25-year storm for a duration of four hours that will result from the development.

CONDITION #12 – STORM DRAIN RETENTION:

Storm Drain and retention facilities shall be in accordance with the Drainage Analysis, constructed to City Standards and approved by the Public Works Director. Soils information (Soil Log) must be submitted to verify adequacy of on-site storm water retention designs.

CONDITION #13 - FINISHED GRADE:

Finished grade must be graded to direct runoff to stormwater drain facilities within the public right-of way or established drainage facilities (detention basins) constructed on the parcel.

CONDITION #14 – NOISE AND CONSTRUCTION HOURS:

Construction activities shall be limited to the hours of 7:00 AM to 8:00 PM on the weekdays and from 9:00 AM to 5:00 PM on weekends and holidays unless an exemption is received from the City to cover special circumstances. In addition, all equipment shall be fitted with factory-equipped mufflers and in good working order.

CONDITION #15 - CONSTRUCTION EQUIPMENT:

The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

CONDITION #16 - DEVELOPMENT IMPACT FEES:

Development of the proposed site may be subject to development impact fees imposed in order to lessen new development's impacts on City facilities and services. These fees, where appropriate, shall be assessed and payable prior to issuance of a Certificate of Occupancy. Costs incurred for improvements to "backbone" infrastructure facilities shall be credited against development impact fees.

CONDITION #17 – PUBLIC FRONTAGE IMPROVEMENTS:

The Storage facility shall be accessed from Highway 99W via the existing driveway on Assessor's Parcel Number 087-040-71. Should Laurel Ag and Water desire to access the Storage Facility through APN 087-040-073 a revision to this use permit is required, whereby all public frontage improvements shall be constructed in accordance with the City of Corning Public Works Standards and shall include at a minimum of curb, gutter, sidewalk, driveways, storm drainage infrastructure and expansion of Hwy 99w to connect to the new concrete improvements.

CONDITION #18 – WATER & SEWER CONNECTIONS:

Connection to the City water and sewer system is not anticipated for this project.

CONDITION #19 – COMPLIANCE WITH PERIMETER FENCING AND LANDSCAPING:

A 6-foot tall perimeter fence shall be constructed around the west, north and south sides of the development. The fence that will front Highway 99W shall include desirable fencing as indicated in Chapter 8 Section 5 of the Highway 99W Corridor Specific Plan, such as concrete walls with landscaping or wrought iron fencing combined with concrete pilasters and landscaping.

CONDITION #20 – SITE LIGHTING:

Exterior lighting shall be downward casting and fully shielded to prevent glare and not spill onto adjacent properties.

CONDITION #21 – WETLAND AVOIDANCE AND BUFFER

Six wetland pools encompassing 0.163 acres are located throughout the 2.5 acre leased area. All wetland pools shall be avoided and protected using high -visibility indicators, pin

flags, or flagging tape set 15 feet from the edge of each wetland pool to serve as a buffer. Staff and construction crews shall be made aware of the wetlands and how to maintain the wetland buffer. No impervious surfaces shall be constructed due to the distance between equipment storage and wetlands.

CONDITION #22 - PROJECT SITE LIMITATIONS

Should Laurel Ag and Water desire to expand into the additional 1.97 acres, a new Use Permit shall be issued whereby additional conditions will be imposed.

CONDITION #23 – DEFERRED IMPROVEMENT AGREEMENT:

A deferred improvement agreement shall be entered into for curb, gutter, sidewalk driveways, storm drainage infrastructure and expansion of Highway 99W to connect to the new concrete improvements. The City may call the deferred improvement agreement if development occurs to the north of the subject parcel or after three years of issuance of the conditional use permit, whichever occurs sooner.

RESOLUTION 12-20-2022-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORNING ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR THE LAUREL AG & WATER STORAGE FACILITY PROJECT

WHEREAS, Laurel Ag & Water (“Applicant”) proposes to establish a supply storage yard on the parcel directly north of the existing Laurel Ag & Water business, located at 2920 Hwy 99W, Corning, California, which will be used to store irrigation materials and accommodate the equipment and vehicles used by their construction crews and will be referred to herein as the Laurel Ag & Water Storage Facility Project (the “Project”); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (“MND”) was prepared analyzing all phases and potential impacts of the Project; and

WHEREAS, the MND was distributed and circulated for public review on September 27, 2022, for a review period of 30 days as required by CEQA. During the public review period, two letters were received, one from the California Department of Fish & Wildlife (CDFW) and one from the Tehama County Air Pollution Control District. In response, the City of Corning (“City”) had a field meeting with CDFW which resulted in CDFW later stating that the wetlands were seasonal and agreed avoidance of the sensitive areas to the maximum degree is an acceptable mitigation measure; and

WHEREAS, at a duly noticed public hearing on December 20, 2022, the City of Corning Planning Commission (the “Commission”) heard public comments on the MND. After reviewing and considering all oral and written information regarding the MND as presented at or before that hearing, the Commission recommended that the MND was adequate for the purposes of approving the proposed Project and finds that the mitigation measures identified in the MND will mitigate to a less-than-significant level or will avoid the Project’s potentially significant environmental effects.

NOW THEREFORE BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF CORNING hereby adopts the Project Mitigated Negative Declaration (which consists of the Initial Study/Draft Mitigated Negative Declaration, Comments and Responses to Comments) attached hereto as **Exhibit A**, based on the following findings:

A. The following CEQA findings are adopted:

- 1) That the Laurel Ag and Water Storage Facility Project is consistent with the City of Corning General Plan;
- 2) That the Planning Commission has considered all comments received in accordance with CEQA Guidelines.
- 3) That there is no substantial evidence that the project, with mitigation incorporated, will have a significant effect on the environment, fish and wildlife, or their habitat.
- 4) That the mitigated negative declaration prepared for the Laurel Ag and Water Storage Facility reflects the City of Corning’s Independent judgement and analysis.

B. Record of Proceedings and Custodian of Record:

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s findings and determinations consists of the following documents and testimony, at a minimum:

- Planning Commission agenda report prepared for the hearing of December 20, 2022.

- All written and oral comments submitted during the public review period for the Mitigated Negative Declaration and all records pertaining to public hearings or meetings regarding Project review.
- All other public reports, documents, studies, memoranda, maps, or other planning documents related to the project and the Mitigated Negative Declaration, prepared by the City, consultants to the City, or responsible or trustee agencies.
- The City of Corning General Plan, as amended and all environmental review documents for the General Plan, including findings and statements of overriding considerations related thereto.
- The Corning Zoning Ordinance.
- All matters of common knowledge to this Planning Commission, including, but not limited to (1) the Corning General Plan and other applicable policies, (2) the Corning Zoning Ordinance and other applicable ordinances, (3) applicable City policies and regulations, (4) reports, projections, and documentation regarding development within and surrounding the City, and (5) federal, state, and county laws, regulations, guidelines, and publications.

The documents described above comprising the record of proceedings are located in the Corning City Hall, 794 Third Street, Corning, CA 96021. The custodian of these documents is the City of Corning Planner 1, or their designee.

I certify that the foregoing Resolution was passed and adopted by the Planning Commission at a regular meeting of the Planning Commission held on December 20, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Diana Robertson, Chairperson

ATTEST:

Lisa M. Linnet, City Clerk



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



ATTACHMENT 1

October 27, 2022

Chrissy Meeds
City of Corning
794 Third Street
Corning, CA 96021
530-824-7036
cmeeds@corning.org

SUBJECT: Review of the Initial Study Mitigated Negative Declaration for Laurel Ag & Water Storage Yard Expansion, State Clearing House Number 2022090549, Tehama County

Dear Chrissy Meeds,

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study Mitigated Negative Declaration (IS MND) dated September 19, 2022, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq.

Project Description

The Project as described in the IS MND is as follows:

"Laurel Ag & Water (herein also referred to as "Applicant") proposes to expand the storage of their existing irrigation material area onto an undeveloped 4.47-acre parcel (APN 087-040-073) that they have leased adjacent to and directly north of their current location. The additional area will be used not only for storing irrigation materials but also to accommodate the equipment and vehicles used by their construction crews. The existing storage yard is currently at capacity."

Chrissy Meeds
City of Corning
October 27, 2022
Page 2

Comments and Recommendations

The Department recognizes that the Project applicant has taken some appropriate steps to identify and assess biological resources and state special status species that have potential to occur within or in-proximity to the Project area. The Department has the following comments and recommendations addressing the remainder of the proposed mitigation measures, as they pertain to biological resources:

Wetlands

Due to the severe declines of wetlands, the Department considers impacts to wetlands to be potentially significant and has a “no net loss” policy regarding wetland habitat¹. The Department strongly discourages disturbance and/or development in wetlands; therefore, the Department concurs with the Project applicant to redesign the Project by restricting the expansion of the storage yard to the south-western corner of the parcel to avoid impacting wetland features.

The IS MND indicates that through “*reconnaissance-level screening of the study area identified several seasonal wetlands that appear to be subject to the jurisdiction of the U.S. Department of the Army and/ State Water Board*” and “*To protect the wetland pools, they will remain in a natural state and fenced to create a 10-15 foot buffer from the wetland pools.*” The Department concurs with a wetland buffer in lieu of protecting wetland features, as indicated in the IS MND however, because an official wetland delineation was not performed, the Department cannot deem a 10-15 foot buffer adequate in protecting these wetlands. The Department strongly encourages a wetland delineation be conducted by a qualified biologist, to classify wetland features and recommend an adequate buffer, especially because these seasonal wetlands may classify as vernal pools.

It is estimated that approximately 90 percent or more of the vernal pool habitat in the Central Valley, and in other parts of the state, have been lost². More recent studies have documented continuing vernal pool habitat loss in recent decades, with over 13 percent of the remaining Central Valley vernal pool habitat (137,100 acres) being lost from baseline conditions in 1976-1995 to the conditions in 2005. Additional studies are currently underway to determine the amount of habitat lost since 2005². Vernal pools and vernal pool species are adapted to living with wet winter and spring conditions followed by dry summer and fall conditions and can remain dormant for many years, an adaptation that allows them to survive through periods of drought. Vernal pools have been adversely impacted by many developments throughout Tehama County,

¹ Fish and Game Commission Wetlands Resources Policy; Amended 08/18/05

² California Department of Fish and Wildlife, April 4, 2022. *California's Vernal Pools*. Accessible at: <https://wildlife.ca.gov/Conservation/Plants/Vernal-Pools>

Chrissy Meeds
City of Corning
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leading to cumulative impacts on species which depend on vernal pools.

If a wetland delineation is performed, the wetland delineation report should include an assessment of jurisdictional waters including all lakes, streams (ephemeral, intermittent, and perennial), and wetlands occurring on the Project site. The jurisdictional delineation report should include a map depicting all jurisdictional waters including those potentially impacted by the Project. Upon acceptance by the Department, the wetlands delineation report may determine the formal Department jurisdictional boundary and may be used in support of obtaining a Lake or Streambed Alteration notification, if required. It is acceptable to prepare a single delineation report with separate jurisdictional results sections for both the U.S. Army Corps of Engineers and the Department. Standard methods, such as the 1987 Corps of Engineers Wetlands Delineation Manual and applicable regional supplements may be used to evaluate field indicators of flow, hydrology, limits of hydrophytic vegetation, and soils for assessing Department jurisdiction³. The delineation report should also include wetlands identification pursuant to the U.S. Fish and Wildlife Service wetland definition⁴ as adopted by the Department⁵. Please note that some aquatic habitats subject to the Department's authority may extend beyond the jurisdictional limits of the Corps.

Additionally, the IS MND states "...provide a fenced buffer area around each pool to create a usable storage area.". While the Department agrees that a buffer should be defined between Project activities and wetland features, the Department does not concur with the measure to fence around each wetland area, nor to utilize the space between each wetland area to store equipment and materials. There is a possibility that these wetlands may be connected, however unknown without a wetland delineation. Installing fencing and/or storing equipment may result in inadvertent temporary/permanent fills to wetland habitat, which is prohibited, unless permitted.

Lastly, the IS MND states "*Wetlands will be avoided to the maximum degree feasible.*" This statement is indeterminate. The Department encourages the City of Corning to remove vague and unenforceable language and incorporate more determinate language.

Special Status Wildlife

The Department recommends wildlife surveys be conducted at the appropriate time of the year within the wetlands and swales to determine if any special-status species are

³ Please contact the Lake and Streambed Alteration program for guidance on preparing jurisdictional delineation reports.

⁴ Cowardin, Lewis M., et al. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service.

⁵ California Fish and Game Commission Policies: Wetlands Resources Policy; Wetland Definition, Mitigation Strategies, and Habitat Value Assessment Strategy; Amended 1994.

Chrissy Meeds
City of Corning
October 27, 2022
Page 4

present. Surveys should be conducted according to protocols specific to that species. These surveys will help to determine an appropriate buffer for the wetland features that occur onsite. If vernal pools are present, the U.S. Fish and Wildlife Service and the Department typically require a 250-foot buffer, which is substantially larger than a 10-15 foot buffer. The following are mostly vernal pool species that are known to occur within a five-mile radius of the Project however, this list is not exhaustive.

- Vernal pool fairy shrimp (*Branchinecta lynchi*) Federally listed as Threatened; State Ranked as S31
- Vernal pool tadpole shrimp (*Lepidurus packardii*), Federally listed as Endangered, State Rank of S3S4
- Western spadefoot toad (*Spea hammondi*), Priority 1 California Species of Special Concern, Globally Ranked G2G3 and State Ranked as S3

Rare Plants

The IS MND states “ENPLAN conducted a field evaluation of the study area on April 30, 2022. Many of the special status species potentially occurring in the area would have been evident at the time the fieldwork was conducted. The potential presence of species not readily identifiable during the field studies was determined on the basis of observed habitat characteristics”. “Focused surveys” that are limited to habitats known to support special status plants or that are restricted to lists of likely potential special status plants are not considered floristic in nature and are not adequate to identify all plants in a project area to the level necessary to determine if they are special status plants. The Department does not consider the reconnaissance level biological survey performed in April 2022 as a comprehensive and complete rare plant survey. Rare plants do have the potential to occur on this parcel based on the habitats identified in the biological evaluation, including wetlands. Since land alteration will be included in Project activities, the Department strongly encourages the inclusion of a thorough assessment of rare plants and rare natural communities to be conducted prior to modification of the parcel, including in areas thought to be wetlands.

Conducting surveys ahead of Project approval is critical in that it allows the Department, land use planning agencies, and Project proponents to make educated land use decisions. It also allows for the Project proponents ample time to redesign their project to avoid and/or minimize significant impacts, if necessary.

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>. As stated in the Protocols, these surveys must be conducted by a qualified botanical field surveyor during the appropriate times of year to identify species of concern and should include areas with both direct and indirect impacts.

Chrissy Meeds
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If no special status plant species are observed 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. **Impacts to special status species and sensitive natural communities found during surveys should be analyzed and specific mitigation would be required to reduce any impacts to less than significant.** If the area can be avoided, exclusionary fencing should be placed around the plants and no pedestrian or vehicular entry shall be allowed. **Botanical survey results should be emailed to the Department at R1CEQARedding@wildlife.ca.gov.**

If you have any questions, please contact Erika Iacona, Environmental Scientist by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Robert Hawkins
F8D52F774C784C2...

Robert Hawkins for
Tina Bartlett, Regional Manager
Northern Region

ec: State Clearinghouse
State.Clearinghouse@opr.ca.gov

Erika Iacona
R1CEQARedding@wildlife.ca.gov



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



ATTACHMENT 2

November 22, 2022

Chrissy Meeds
City of Corning
794 Third Street
Corning, CA 96021

SUBJECT: Post-Field Review Comments and Recommendations for Laurel Ag & Water Storage Yard Expansion, State Clearing House Number 2022090549, Tehama County

Dear Chrissy Meeds,

On October 27, 2022, the California Department of Fish and Wildlife (Department) submitted a California Environmental Quality Act (CEQA) comment letter pertaining to a review of the Initial Study and Mitigated Negative Declaration (ISMND) dated September 19, 2022, for the above-referenced project (Project). On November 14, 2022, the Department, the City of Corning, and the Project proponent met onsite to review the comments stated in the CEQA letter and to refine recommendations. The Department offers the following post-field review comments and recommendations in our role as a trustee and responsible agency pursuant to CEQA, California Public Resources Code §21000 et seq.

Project Description

The Project as described in the ISMND is as follows:

"Laurel Ag & Water (herein also referred to as "Applicant") proposes to expand the storage of their existing irrigation material area onto an undeveloped 4.47-acre parcel (APN 087-040-073) that they have leased adjacent to and directly north of their current location. The additional area will be used not only for storing irrigation materials but also to accommodate the equipment and vehicles used by their construction crews. The existing storage yard is currently at capacity."

Comments and Recommendations

The Department recognizes that the Project proponent has taken appropriate steps to identify and assess biological resources that have potential to occur

Chrissy Meeds
City of Corning
November 22, 2022
Page 2

within, or in-proximity to, the Project area.

Wetlands

The Department strongly discourages disturbance and/or development in wetlands; therefore, the Department concurs with the Project proponent to restrict the expansion of the storage yard to the south-western corner of the parcel, and the addition of the south-eastern corner of the parcel, to avoid impacting wetland features.

The IS MND indicates that through *"reconnaissance-level screening of the study area identified several seasonal wetlands that appear to be subject to the jurisdiction of the U.S. Department of the Army and/ State Water Board"* and *"To protect the wetland pools, they will remain in a natural state and fenced to create a 10-15 foot buffer from the wetland pools."* Following the field review, the Department concurs with a 15-foot wetland buffer in lieu of protecting wetland features, as indicated in the IS MND.

In the event future Project expansion, as described in the ISMND, and/or development is proposed that may result in a permissible action, such as permanently impacting wetland features onsite, the Department strongly encourages a formal wetland delineation be conducted by a qualified biologist prior to land modification. Additional information regarding the Departments "no net loss" policy, and formal wetland delineation standards and processes are described in the CEQA comment letter dated October 27th, 2022.

Additionally, the IS MND states *"...provide a fenced buffer area around each pool to create a usable storage area."* While the Department concurs with a 15-foot buffer between Project activities and wetland features, fencing around each wetland and utilizing the space between each wetland to store materials, is discouraged. Permanent fencing does not appear to be necessary and, as stated during the field review, some temporary fencing options are difficult to maintain and/or may cause wildlife entrapment. The Department encourages a buffer mechanism that is easily identifiable, easily maintained and can be feasibly replaced over time such as high-visibility indicators, pin flags or flagging tape. The buffer mechanism should be positioned at least 15-feet out from wetlands edge, maintained regularly and be in place during all Project activities. The Department also recommends that staff and construction crews involved in Project activities be made aware of the wetlands on site and how to maintain the wetland buffer.

The IS MND states *"The areas to be utilized for outside storage on the Project Site will be leveled, graded, and covered with approximately four inches of uniform road base and gravel."* The Department concurs with the use of permeable surfaces and discourages the use of impervious surfaces due to the distance between equipment

Chrissy Meeds
City of Corning
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storage and wetlands.

Last, the ISMND states "*Wetlands will be avoided to the maximum degree feasible.*" The Department maintains its encouragement that the City of Corning remove vague and unenforceable language and incorporate more determinate language.


Special Status Wildlife and Rare Plants

Based on the November 14th field review, special status wildlife and/or rare plant survey recommendations are not warranted at this time.

Conclusion

The Department appreciates coordinated efforts between the City of Corning and the Project proponent to take appropriate actions in protecting sensitive resources. If you have any questions, please contact Erika Iacona, Environmental Scientist by email at R1CEQARedding@wildlife.ca.gov.

Sincerely,

DocuSigned by:

1082ADE7303A474

Tina Bartlett, Regional Manager
Northern Region

cc: State Clearinghouse
State.Clearinghouse@opr.ca.gov

Erika Iacona
R1CEQARedding@wildlife.ca.gov



ATTACHMENT 3
County of Tehama
Air Pollution Control District

P.O. Box 1169 • Red Bluff, California 96080

Joseph H. Tona
Phone: (530) 527-3717

Fax: (530) 527-0959

Air Pollution Control Officer
E-mail: Jtona@tehcoapcd.net

10/18/2022

Ms. Christina Meeds, Planner II
794 Third Street
Corning, CA 96021

RE: LAUREL AG & WATER STORAGE YARD EXPANSION PROJECT USE PERMIT 2022-304

Dear Ms. Meeds:

Summary of Project Information in the MND

The Tehama County Air Pollution Control District (District) staff has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Laurel Ag & Water Storage Yard Expansion Project (Project). We understand that the proposed Project encompasses approximately 4.47 acres in the city of Corning. The Project would develop and expand the existing storage yard currently operated by Laurel Ag & Water.

District Comments

The Lead Agency should include temporary construction impacts in the analysis, such as fugitive dust and combustion emissions from grading activities and propose mitigation measures. Fugitive dust mitigation measures recommended by the District can be found in section 6.3 of the Districts CEQA Handbook.

The Lead Agency should include a list of District rules that the project would be required to comply with. Compliance with District rules is independent of the CEQA process. A list of District rules that could be applicable (the list is not all inclusive) to typical development projects can be found in section 4.5 of the Districts CEQA Handbook.

If you have any questions regarding these comments, or would like to schedule a meeting, please contact Joseph Tona, Air Pollution Control Officer, at (530) 527-3717, or jtona@tehcoapcd.net

Sincerely,

Joseph H. Tona
Air Pollution Control Officer



City of Corning

794 Third St. Corning, CA 96021 (530) 824-7029

ATTACHMENT 4

December 16, 2022

Joseph Tona, Air Pollution Control Officer
Tehama County Air Pollution Control District
P.O. Box 1169
Red Bluff, CA 96080

Subject: Laurel Ag and Water Storage Yard Expansion Project IS/MND and Use Permit
2022-304

Dear Joseph Tona,

Thank you for your comment letter dated October 18, 2022. As a result of the comment letter received, the City of Corning, as lead agency, incorporated the following mitigation measures as conditions of approval.

COMMENT #1: "The Lead Agency should include temporary construction impacts in the analysis, such as fugitive dust and combustion emissions from grading activities and propose mitigation measures."

RESPONSE: Agreed.

MITIGATION MEASURE: CONDITION #4 - FUGITIVE DUST PERMIT

Prior to commencement of any type of construction activities the applicant must submit a construction emission dust/control plan and obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval such as but not limited to maintenance of all construction equipment in proper tune according to the manufacturer's specifications, maximize to the extent feasible the use of equipment meeting current CARB certification standards for off-road heavy-duty diesel engines, registration in the CARB DOORS program and meeting all applicable standards for replacement and/or retrofit, and all portable equipment, including generators and air compressors rated over 50 brake

horse power, registers in the Portable Equipment Registration Program or permitted through the Tehama County Air Pollution Control District as a stationary source.

COMMENT # 2: "The Lead Agency should include a list of District rules that the project would be required to comply with."

RESPONSE: Agreed.

MITIGATION MEASURE: CONDITION #1 – COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

The development and operation of the storage facility must comply with all applicable local, state, and federal laws and regulations, including but not limited to, the City of Corning Building, Fire, Planning and Public Works Departments and all applicable Tehama County Air Pollution Control District rules. A list of Tehama County Air Pollution Control District rules that may apply can be found in Section 4.5 of the District's CEQA handbook. Development of the site must be in substantial conformance with the site improvement plans approved by the City of Corning Building, Fire, Planning, and Public Works Departments.

MITIGATION MEASURE: CONDITION #5 - OPEN BURNING

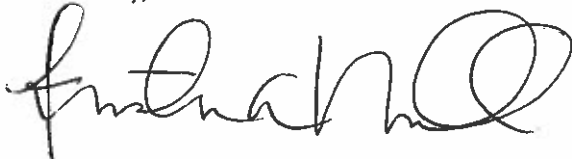
No opening burning shall occur on this parcel unless a special land clearing permit is obtained from the Tehama County Air Pollution Control District.

MITIGATION MEASURE: CONDITION #6 - COVER EXPOSED SOILS

Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion prior to the beginning of the rainy season (October 15th).

Attached please find the proposed Conditional Use Permit in its entirety. Please feel free to contact me should any questions arise.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristina Miller", written in a cursive style.

Kristina Miller
City Manager



City of Corning

794 Third St. Corning, CA 96021 (530) 824-7029

ATTACHMENT 4

December 16, 2022

Tina Bartlett, Regional Manager
California Department of Fish and Wildlife
Northern Region
601 Locust St. Redding, CA 96001

Subject: Post-Field Review Comments and Recommendations for Laurel Ag and Water Storage Yard Expansion, State Clearinghouse Number 2022090549, Tehama County

Dear Tina Bartlett,

Thank you for your comment letters dated October 27, 2022 and November 22, 2022. As a result of the comment letter dated November 22, 2022 the City of Corning, as lead agency, incorporated the following mitigation measures as conditions of approval.

COMMENT #1: "The Department strongly discourages disturbance and/or development in wetlands; therefore, the Department concurs with the Project proponent to restrict the expansion of the storage yard to the south-western corner of the parcel, and the addition of the south-eastern corner of the parcel, to avoid impacting wetland features."

RESPONSE: Agreed.

MITIGATION MEASURE: CONDITION #22 - PROJECT SITE LIMITATIONS

Should Laurel Ag and Water desire to expand into the additional 1.97 acres, a new Use Permit shall be issued whereby additional conditions will be imposed.

COMMENT # 2: "Following the field review, the Department concurs with a 15-foot wetland buffer in lieu of protecting wetland features, as indicated in the IS MND."

RESPONSE: Agreed.

MITIGATION MEASURE: CONDITION #21 – WETLAND AVOIDANCE AND BUFFER

Six wetland pools encompassing 0.163 acres are located throughout the 2.5 acre leased area. All wetland pools shall be avoided and protected using high -visibility indicators, pin flags, or flagging tape set 15 feet from the edge of each wetland pool to serve as a buffer. Staff and construction crews shall be made aware of the wetlands and how to maintain the wetland buffer. No impervious surfaces shall be constructed due to the distance between equipment storage and wetlands.

COMMENT #3: “Permanent fencing does not appear to be necessary and, as stated during the field review, some temporary fencing options are difficult to maintain and/or may cause wildlife entrapment. The Department encourages a buffer mechanism that is easily identifiable, easily maintained and can be feasibly replaced over time such as high-visibility indicators, pin flags or flagging tape. The buffer mechanism, should be positioned at least 15-feet our from wetlands edge, maintained regularly and be in pace during all Project activities.”

RESPONSE: Agreed.

MITIGATION MEASURE: CONDITION #21 – WETLAND AVOIDANCE AND BUFFER

Six wetland pools encompassing 0.163 acres are located throughout the 2.5 acre leased area. All wetland pools shall be avoided and protected using high -visibility indicators, pin flags, or flagging tape set 15 feet from the edge of each wetland pool to serve as a buffer. Staff and construction crews shall be made aware of the wetlands and how to maintain the wetland buffer. No impervious surfaces shall be constructed due to the distance between equipment storage and wetlands.

COMMENT #4: “ The Department concurs with the use of permeable surfaces and discourages the use of impervious surfaces due to the distance between equipment storage and wetlands.”

RESPONSE: Agreed.

MITIGATION MEASURE: CONDITION #21 – WETLAND AVOIDANCE AND BUFFER

Six wetland pools encompassing 0.163 acres are located throughout the 2.5 acre leased area. All wetland pools shall be avoided and protected using high -visibility indicators, pin flags, or flagging tape set 15 feet from the edge of each wetland pool to serve as a buffer. Staff and construction crews shall be made aware of the wetlands and how to maintain the wetland buffer. No impervious surfaces shall be constructed due to the distance between equipment storage and wetlands.

COMMENT #5: “The Department maintains its encouragement that the City of Corning remove vague and unenforceable language and incorporate more determinate language:

RESPONSE: Agreed. Conditions within the project incorporated determinate language.

Attached please find the proposed Conditional Use Permit in its entirety. Please feel free to contact me should any questions arise.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristina Miller". The signature is fluid and cursive, with the first name "Kristina" written in a larger, more prominent script than the last name "Miller".

Kristina Miller
City Manager

**STAFF RECOMMENDS THE FOLLOWING
CONDITIONS OF APPROVAL
FOR USE PERMIT 2022-304**

CONDITION #1 – COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS:

The development and operation of the storage facility must comply with all applicable local, state, and federal laws and regulations, including but not limited to, the City of Corning Building, Fire, Planning and Public Works Departments and all applicable Tehama County Air Pollution Control District rules. A list of Tehama County Air Pollution Control District rules that may apply can be found in Section 4.5 of the District's CEQA handbook. Development of the site must be in substantial conformance with the site improvement plans approved by the City of Corning Building, Fire, Planning, and Public Works Departments.

CONDITION #2- COMPLIANCE WITH SPECIFIC PLAN DESIGN GUIDELINES

The Storage Facility must comply will all Specific Plan Design Guidelines for fencing and landscaping to screen visually objectionable views such as outdoors storage, utility cabinets, trash enclosures etc. as described in Chapter 17.53.040.2.C of the Corning Municipal Code.

CONDITION #3- REMOVE CONSTRUCTION DEBRIS:

Prior to the issuance of a Certificate of Occupancy for the facility all construction debris must be removed from the site.

CONDITION #4 - FUGITIVE DUST PERMIT:

Prior to commencement of any type of construction activities the applicant must submit a construction emission dust/control plan and obtain a Fugitive Dust Control Permit from the Tehama County Air Pollution District and comply with the conditions of approval such as but not limited to maintenance of all construction equipment in proper tune according to the manufacturer's specifications, maximize to the extent feasible the use of equipment meeting current CARB certification standards for off-road heavy-duty diesel engines, registration in the CARB DOORS program and meeting all applicable standards for replacement and/or retrofit, and all portable equipment, including generators and air compressors rated over 50 brake horse power, registers in the Portable Equipment Registration Program or permitted through the Tehama County Air Pollution Control District as a stationary source.

CONDITION #5 - OPEN BURNING:

No opening burning shall occur on this parcel unless a special land clearing permit is obtained from the Tehama County Air Pollution Control District.

CONDITION #6 - COVER EXPOSED SOILS:

Areas denuded by construction activities and not scheduled for development for an indefinite period shall be seeded or covered by impervious materials to minimize water and wind erosion prior to the beginning of the rainy season (October 15th).

CONDITION #7 - GRADING PLANS:

Complete grading plans shall be submitted for approval by the City Engineer.

CONDITION #8 - CULTURAL RESOURCES:

If any previously unevaluated cultural resources (i.e., burnt animal bone, midden soils, projectile points, or other humanly modified lithics, historical artifacts, etc.) are encountered, all earth-disturbing work shall stop within 50 feet of the find until a qualified archaeologist can make an assessment of the discovery and recommend/implement mitigation measures as necessary. Depending on the type and significance of the find, subsequent monitoring by an archaeologist or Native American may be warranted.

CONDITION #9 - HUMAN REMAINS:

If any human remains are encountered during any phase of construction, all earth disturbing work shall stop within 50 feet of the find. The county coroner shall be contacted to determine whether an investigation of the cause of death is required, as well as to determine whether the remains may be Native American in origin. Should Native American remains be discovered, the county coroner must contact the Native American Heritage Commission (NAHC). The NAHC will then determine those persons it believes to be most likely descended from the deceased Native American(s). Together with representatives of the people of most likely descent, a qualified archaeologist can make an assessment of the discovery and recommend/implement mitigation measures as necessary.

CONDITION #10 - STORMWATER POLLUTION PREVENTION PLAN:

Since the project plans to disturb more than one acre, prior to any site disturbance or earthmoving activities on or adjacent to the site, a construction period and post-construction period Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and presented to the Central Valley Regional Water Quality Control Board and approved by the City of Corning. The objective of the plan shall be no net loss of soil (above an undisturbed natural, stable background state) from the site due to erosion. All requirements of the post construction period SWPPP shall be completed as part of the required improvement plans and shall be maintained in the same manner.

CONDITION #11 – DRAINAGE ANALYSIS:

Applicant shall provide a Drainage Analysis prepared by a registered Civil Engineer or Certified Hydrologist. The Analysis shall quantify the increased runoff resulting from a 25-year storm for a duration of four hours that will result from the development.

CONDITION #12 – STORM DRAIN RETENTION:

Storm Drain and retention facilities shall be in accordance with the Drainage Analysis, constructed to City Standards and approved by the Public Works Director. Soils information (Soil Log) must be submitted to verify adequacy of on-site storm water retention designs.

CONDITION #13 - FINISHED GRADE:

Finished grade must be graded to direct runoff to stormwater drain facilities within the public right-of way or established drainage facilities (detention basins) constructed on the parcel.

CONDITION #14 – NOISE AND CONSTRUCTION HOURS:

Construction activities shall be limited to the hours of 7:00 AM to 8:00 PM on the weekdays and from 9:00 AM to 5:00 PM on weekends and holidays unless an exemption is received from the City to cover special circumstances. In addition, all equipment shall be fitted with factory-equipped mufflers and in good working order.

CONDITION #15 - CONSTRUCTION EQUIPMENT:

The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

CONDITION #16 - DEVELOPMENT IMPACT FEES:

Development of the proposed site may be subject to development impact fees imposed in order to lessen new development's impacts on City facilities and services. These fees, where appropriate, shall be assessed and payable prior to issuance of a Certificate of Occupancy. Costs incurred for improvements to "backbone" infrastructure facilities shall be credited against development impact fees.

CONDITION #17 – PUBLIC FRONTAGE IMPROVEMENTS:

The Storage facility shall be accessed from Highway 99W via the existing driveway on Assessor's Parcel Number 087-040-71. Should Laurel Ag and Water desire to access the Storage Facility through APN 087-040-073 a revision to this use permit is required, whereby all public frontage improvements shall be constructed in accordance with the City of Corning Public Works Standards and shall include at a minimum of curb, gutter, sidewalk, driveways, storm drainage infrastructure and expansion of Hwy 99w to connect to the new concrete improvements.

CONDITION #18 –WATER & SEWER CONNECTIONS:

Connection to the City water and sewer system is not anticipated for this project.

CONDITION #19 – COMPLIANCE WITH PERIMETER FENCING AND LANDSCAPING:

A 6-foot tall perimeter fence shall be constructed around the west, north and south sides of the development. The fence that will front Highway 99W shall include desirable fencing as indicated in Chapter 8 Section 5 of the Highway 99W Corridor Specific Plan, such as concrete walls with landscaping or wrought iron fencing combined with concrete pilasters and landscaping.

CONDITION #20 – SITE LIGHTING:

Exterior lighting shall be downward casting and fully shielded to prevent glare and not spill onto adjacent properties.

CONDITION #21 – WETLAND AVOIDANCE AND BUFFER

Six wetland pools encompassing 0.163 acres are located throughout the 2.5 acre leased area. All wetland pools shall be avoided and protected using high -visibility indicators, pin flags, or flagging tape set 15 feet from the edge of each wetland pool to serve as a buffer. Staff and construction crews shall be made aware of the wetlands and how to maintain the wetland buffer. No impervious surfaces shall be constructed due to the distance between equipment storage and wetlands.

CONDITION #22 - PROJECT SITE LIMITATIONS

Should Laurel Ag and Water desire to expand into the additional 1.97 acres, a new Use Permit shall be issued whereby additional conditions will be imposed.

**ITEM NO: E-5
LAUREL AG AND WATER, REQUEST FOR
VARIANCE TO VARY FROM THE HIGHWAY
99W SPECIFIC PLAN DESIGN GUIDELINES
ON FENCING TYPE
APN: 87-040-73**

December 20, 2022

**TO: PLANNING COMMISSIONERS OF THE CITY OF CORNING
FROM: CHRISSY MEEDS, PLANNER
KRISTINA MILLER, CITY MANAGER**

SUMMARY:

Laurel Ag and Water has applied to establish a supply storage yard on the parcel directly North of the existing Laurel Ag & Water business. The undeveloped 4.47 acres APN# 087-040-073 leased parcel will be used to store irrigation materials and accommodate the equipment and vehicles used by their construction crews. The parcel will be accessed from their current location. The yard at the existing facility is at capacity. The parcel 087-040-073 is zoned CBDZ Corning Business Development Zone, which lies within the Highway 99W Corridor Specific Plan. The Highway 99W Specific Plan Design Guidelines does not permit chain-link fencing. Laurel Ag and Water requested a variance from this requirement.

BACKGROUND:

GENERAL PLAN LAND USE DESIGNATION:

Hwy99-W - Highway 99W Corridor Specific Plan. The Highway 99W Corridor Specific Plan is intended to provide a more detailed examination of the planning issues in the corridor than could be achieved in the City's General Plan. The purpose of the Specific Plan is to provide a comprehensive set of plans, policies, guidelines, and implementation measures for guiding and ensuring the orderly development of the Highway 99W corridor.

ZONING:

CBDZ, Corning Business Development Zone. The CBDZ Zone has been established to achieve the following purposes:

- A. To protect the public health, safety, and welfare by enhancing quality of life and improving the appearance of the city;**
- B. To provide protection against haphazard and traditional strip commercial development by implementing visual design guidelines established in the Highway 99W corridor specific plan;**
- C. To allow site development flexibility in return for well-conceived and efficient site planning and quality design;**
- D. To establish overlay districts that carry out specific purposes prescribed by the Highway 99W corridor specific plan addressing specific subjects, such as freeway-oriented commercial development and mixed-use commercial development.**

As discussed above the site where the applicant is proposing to establish the storage yard is currently zoned CBDZ, allowing this use. The site falls in the Highway 99W Corridor Specific Plan, requiring the applicant to follow the Highway 99W Specific Plan Guidelines. The City adopted the Specific Plan Design Guidelines in January 1997 with the intent to create an improved image and character for the Highway 99W Corridor and Corning Business Development Zone. The applicant has applied for a variance to vary from those guidelines. The applicant is suggesting the installation of chain link fence with slats. Chapter 8 Section 5 of the Highway 99W Corridor Specific Plan states desirable and undesirable elements for walls and fencing. The desirable options are as follows:

- Concrete walls with landscaping
- Ornate wrought iron fences bordering walkways
- Wrought iron fences combined with concrete pilasters and landscaping
- Setbacks allowing for adequate landscaping

The undesirable elements are as follows:

- Chain linked fences
- No setbacks from road or sidewalk
- No landscaping.

Chapter 17.53.030. A of the Corning Municipal Code states, “these visual design guidelines shall be applied only in the Highway 99 W corridor specific plan area, which has been designated the Corning business development zone.” Further within the Community Design policies of Chapter 17.53.040.2.C it states, “provide for the elimination or screening of visually objectionable views such as outdoor storage, utility cabinets, trash containers, roof-mounted equipment, blank side walls, and loading areas through the implementation of design guidelines. Chapter 17.53.0403.b states, “require compliance with the design guidelines for the Highway 99W Corridor Specific Plan study area in plans for new development or expansion or redevelopment of existing development; incorporate design as a major consideration in design review and approval.” The overall intent of the Highway 99W Corridor Specific Plan is to create a high quality and improved image. Due to this, staff is not recommending the approval of the variance as is proposed.

Wrought iron or concrete masonry unit walls have consistently been required for all new projects located within the Corning Business Development Zone. Upon research, staff found a concrete wall was also required for the original Heritage RV Park use permit even though the fence was also setback from the public right-of-way. The City did allow a three-year deferral for the installation of the concrete wall fencing.

Staff has discussed this matter and recommend Laurel Ag and Water and the City enter into a deferred improvement agreement to allow the applicant three years to adhere to the design guidelines by installing one of the desirable fence options and landscaping. If at the end of the three-year period Laurel Ag and Water has not completed the desired items, then Use Permit 2022-304 would become null and void.

A second alternative of allowing the chain link fencing with slats along with fast-growing shrubs/hedges to completely shield the undesirable fencing may be adopted if the Commission can make findings that there are:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district.*
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.*
- C. That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health and safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

Staff cannot make this recommendation because it is not consistent with City Code and Policy or past practice.

RECOMMENDATION:

SHOULD THE PLANNING COMMISSION DETERMINE THAT THE GRANTING OF THE VARIANCE FOR THIS PROJECT IS COMPATIBLE WITH THE SURROUNDING AREA AND CONSISTENT WITH CITY CODE AND POLICY, THE FOLLOWING MOTIONS ARE IN ORDER:

A. MOVE TO ADOPT THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL:

FINDINGS:

1. The project is exempt from CEQA requirements pursuant to Guidelines Section 15305. This exemption provides for minor variances where no additional parcels are created.
2. Physical characteristics of this property create a special circumstance that prevents the property owner from enjoying something possible on other properties with the same zoning designation.
3. Approval of the request will not adversely affect the safety or welfare of other residents and property owners in the vicinity or in the community.
4. Approval of the request will not constitute the granting of a privilege inconsistent with the restrictions on other properties in the City with the same zoning designation.

CONDITIONS OF APPROVAL:

- Construction of the chain-link fence shall be in substantial accordance with the California Building Code and applicant will need to apply for a Building Permit with the City of Corning; and
- Fast-growing shrubs/hedges as approved by staff be planted to completely shield the undesirable fencing; OR
- A deferred improvement agreement be entered into to allow the applicant three years to adhere to the design guidelines by installing one of the desirable fence options and landscaping.

ENVIRONMENTAL REVIEW:

This project is exempt from CEQA pursuant to Guidelines Section 15305.a (copy attached).

COMMENTS FROM SURROUNDING PROPERTY OWNERS:

Notice of this application was provided via US mail to all property owners within 300 feet of the subject property and published in the local newspaper. As of this writing we have received no comments.

CEQA Exemption

15305. Minor Alterations in Land Use Limitations

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

(b) Issuance of minor encroachment permits.

(c) Reversion to acreage in accordance with the Subdivision Map Act.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

Chapter 17.58 - VARIANCES

*Footnotes:**--- (15) ---**For statutory provisions on variances, see Gov. Code §65906.*

17.58.010 - Applicability.

In extraordinary situations, when the physical characteristics of property, such as size, shape, topography, location or surroundings, or when it creates unnecessary hardship, or results inconsistent with the purposes and intent of this title may result from the strict application of certain area, height, yard and space requirements thereof, variances in such requirements may be granted as provided in this section.

(Ord. 153 §23.01, 1959).

(Ord. No. 677, 3-26-2019)

17.58.020 - Application—Fee.

Application for a variance shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a fee set forth in the fee schedule plus costs, no part of which shall be returnable to the applicant, and by statements, plans and other evidence showing:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district;
- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;
- C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(Ord. 340 §1(c), 1979; Ord. 153 §23.02, 1959).

(Ord. No. 677, 3-26-2019)

17.58.030 - Public hearing.

- A. A public hearing in front of the planning commission shall be held within sixty days after filing of application, notice of which shall be given by one publication in a newspaper of general circulation in the city and/or by posting notice on the property involved or adjacent thereto at least ten days prior to such hearing.
- B. The planning commissions shall conduct the public hearing and hear testimony for and against the application. The public hearing may be continued to a following date without further notice.

(Ord. 153 §23.03, 1959).

(Ord. No. 677, 3-26-2019)

17.58.040 - Action by planning commission.

Following the public hearing, the planning commission shall make findings of fact showing whether the qualifications under section 17.58.020 apply to the land for which a variance is sought, and whether such variances shall be in harmony with the general purposes of this title. If such findings are in the affirmative, then the planning commission shall by resolution approve such variance. The planning commission may designate conditions and guarantees in connection with the variance to secure the purpose of this title.

(Ord. 478 §1, 1988; Ord. 153 §23.04, 1959).

(Ord. No. 677, 3-26-2019)

17.58.050 - Appeal.

Appeal from the findings and decision of the planning commission may be made, in writing, to the city council within ten days from the date of the commission's action and shall be accompanied by a fee as set forth in the fee schedule.

(Ord. 478 §2, 1988; Ord. 153 §23.05, 1959).

(Ord. No. 677, 3-26-2019)

17.58.060 - Revocation.

- A. In any case where the conditions of granting of a variance have not or are not complied with, the city council shall give notice to the permittee of intention to revoke such variance of at least ten days prior to hearing thereon. After conclusion of the hearing the council may revoke such variances.
- B. In any case where a variance has not been used within one year after the date of granting thereof, then, without further action by the council, the variance granted shall be null and void.

(Ord. 153 §23.06, 1959).

(Ord. No. 677, 3-26-2019)