



550 Main Street
P. O. Box 470
Weed, CA 96094
(530) 938-5020
(530) 938-5096 (FAX)

PLANNING COMMISSION AGENDA REGULAR MEETING

Date of Meeting: February 19, 2025
Time of Meeting: 5:30 p.m.
Place of Meeting: Commission Chambers, 550 Main Street

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL:** Chair Martin Nicholas
Vice-Chair Veronica Rivera
Commissioner Derek Dewhurst
Commissioner Brian Palmer
Commissioner Vacant

3. **NON-AGENDA PUBLIC COMMENT**

This is the time set aside for those wishing to address the Commission on matters that fall under the authority of the Commission and are not listed on this agenda. No action may be taken by the Commission except to set the matter presented for the next regular Commission meeting.

4. **CONFLICTS OF INTEREST**

If a member of the Commission has a conflict of interest on any item on this agenda, this is the time to declare it. The Commissioner will step from the dais at the time the matter comes under Commission consideration.

5. **AGENDA** -

PUBLIC HEARING PROTOCOL

1. The Mayor/Chair introduces the agenda item.
2. Staff Report is presented.
3. Public Hearing is opened.
 - a. Presentation by Project Proponent/Consultant
 - b. Testimony by Interested Parties.
 - c. Rebuttal by Project Proponent.
 - d. Staff Response.
4. Public Hearing is closed.
5. City Council/Commission Discussion of Project.
6. Action.

Planning Commission will hold public hearing(s) to consider the following:

- A. **Fence Permit Application at 370 Siskiyou Blvd. 060-511-030, and adopt Notice of Exemption**

B. Fence Permit Application at 505 California Street. 060-173-170, and adopt Notice of Exemption.

6. APPROVAL OF MINUTES: December 18, 2024

No formal motion is required to accept the minutes. If there are no corrections, the minutes stand approved as written.

7. COMMISSIONER'S REPORTS

Items presented here will be informational or for the purpose of inquiry and may result in subsequent action by staff responding at this time or at a future meeting.

8. STAFF REPORTS

9. ADJOURNMENT

Staff reports and/or other written documentation pertaining to the items on the agenda are on file in the Office of the City Clerk and are available for public inspection during normal weekday business hours. Information may be obtained by calling (530) 938-5020. City Council Minutes and Agendas may also be available on the City's website: <http://www.ci.weed.ca.us>. Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 550 Main Street during normal business hours, or on the City's website at www.ci.weed.ca.us.



**CITY OF WEED
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 19, 2024

REQUEST: Fence Permit Application

LOCATION: 370 Siskiyou Way Weed, CA 96094
APN: 060-511-030

APPLICANT: Armando Figueroa
370 Siskiyou Way Weed, CA 96094

PROPERTY OWNER: Luz Ana Lujano (Assessors Information)

RECOMMENDATION

"I move that the Planning Commission find that the proposed project is exempt from CEQA per CEQA Guidelines Section 15301 and approve a Fence Permit for Armando Figueroa, subject to the conditions of approval of this Staff Report."

PROJECT/AREA DESCRIPTION

General Plan Designation: RMU Residential Mixed Use
Zoning Designation: R3, High Density Residential
Property Size: 1.60 Acre (approx.)

PROPOSED PROJECT

This project is to review and approve a fence and gate that exceeds the maximum height of 4'. The property is zoned and used as R3 High Density Residential.

The project is subject to Section 18.24.210 of the City of Weed Municipal Code, specifically subsections B and E as follows:

B. No fence, hedge or wall over forty-eight inches in height shall be erected in any front yard, or in the side yard on the street side of either a corner lot or on a lot, the rear line of which abuts the sideline of an adjoining lot.

E. Fences or structures exceeding the allowable height to enclose tennis courts, similar areas, or unusual privacy requirements may be erected subject to the obtaining of a use permit therefore and such use is found to not reduce public safety patrol and access capabilities.

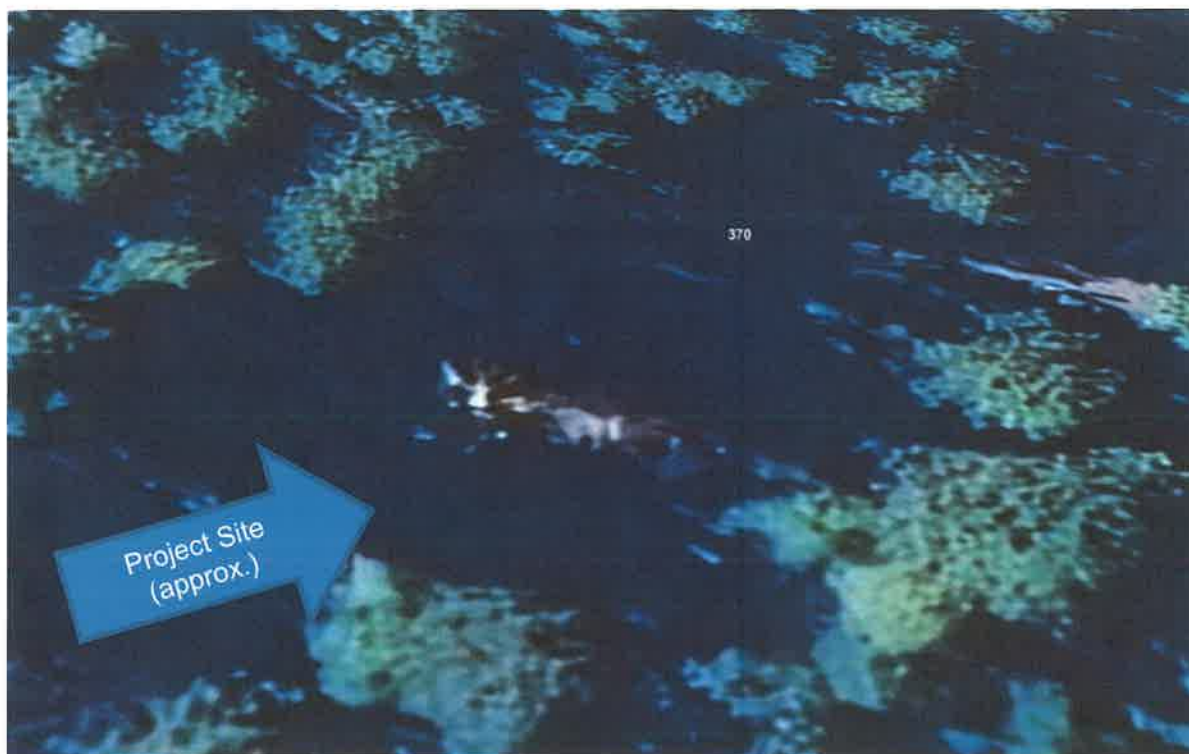


Figure 1 Site Location



Figure 2 Solid Fence being constructed

Construction of the fence had previously started; a stop work order was placed by code enforcement. Both sections of solid fencing were lost in the recent storms.



Figure 3 Street Side of Residence.



Figure 4 Height of fence previously constructed.

ANALYSIS

In October of 2024 the applicants applied for a 48" fence at this residence. At that time, they were issued a pending letter due to multiple code violations:

- Violation of Code 16.08. et al, must be brought into compliance before your application can be approved. 16.08.020 states: it is unlawful for any person to occupy, live in, use for sleeping quarters or use for commercial or business purposes any mobile home, trailer coach, travel trailer or camp car within the city except in a mobile home park authorized and operated pursuant to Part 2.1, Division 13, of the Health and Safety Code of the state.
- 16.08.040 It shall be presumed, for purposes of enforcement of this chapter, that any mobile home, trailer coach, travel trailer or camp car which is connected to an external source of electricity, gas, water or sewage disposal is being used as living or sleeping quarters or for commercial purposes.
- 16.08.050 Every person violating this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment. Every violator of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

(Full letter as Attachment B to this staff report)

The Building Inspector has confirmed the above violations have been remedied. On January 8, 2025, the applicant submitted a second fence application requesting a 5' 10" solid vinyl fence.

The Weed Municipal Code (section 18.24.210) establishes the following requirements for fences, hedges and walls:

Fences, hedges and walls may be erected in any district subject to the following conditions:

1. Fences, hedges and walls shall not exceed six feet in height from original grade on the lot or within all rear and side property lines on interior lot lines, and on or to the rear of all front yard setback lines.
2. No fence, hedge or wall over forty-eight inches in height shall be erected in any front yard, or in the side yard on the street side of either a corner lot or on a lot, the rear line of which abuts the sideline of an adjoining lot.
3. The street intersection of a corner lot shall have no fence, hedge or wall exceeding thirty-six inches in height within a triangle of twenty-five feet along the side of each street as measured from the intersection.
4. Trees located within the twenty-five-foot triangle referenced in subsection C above shall have limbs trimmed and maintained to a minimum of eight feet off the finished grade.
5. Fences or structures exceeding the allowable height to enclose tennis courts, similar areas, or unusual privacy requirements may be erected subject to the

obtaining of a use permit therefore and such use is found to not reduce public safety patrol and access capabilities.

6. A fence permit shall be obtained from the city prior to the erection or installation of any fence or wall. The city clerk shall establish fees and procedures for the issuance of fence permits, including fees for failure to obtain such a permit or to comply with other city requirements. All such fees shall become effective immediately upon their approval by city council resolution. The permit shall issue upon representation that the design complies with city requirements, is safe, and is located on the applicant's property. The erection of a fence which does not comply with the requirements, or failure to obtain such a permit before commencing construction, shall constitute a violation of this code and be punishable as provided in California Government Code Section 36900(b), or any successor statute, as it exists at the time of the violation.
7. It shall be the responsibility of the property owner to identify the property corners prior to the construction.

Staff notes that a solid fence of this height could allow resumption of uses inconsistent with the zoning out of view of code enforcement. The Commission must determine whether the request is consistent with the provisions of the code, and that it is acceptable for this property. While past practices should not directly affect new requests, it is difficult to remove the previous code enforcement issues from the discussion.

ENVIRONMENTAL REVIEW

The proposed project meets the criteria for an exemption from the California Environmental Quality Act Guidelines (CEQA) Section 15301 (k) (4) "Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences."

FINDINGS

Section 18.24.210 of the Weed Municipal Code requires that the Planning Commission make the following findings in order to approve a Fence Permit.

1. No fence, hedge or wall over forty-eight inches in height shall be erected in any front yard, or in the side yard on the street side of either a corner lot or on a lot, the rear line of which abuts the side-line of an adjoining lot.

Comment: The project site runs from south to north along Walnut Street (see figure 3 above) Anything above forty-eight inches in height requires Planning Commission consideration and approval

2. Fences or structures exceeding the allowable height to enclose tennis courts, similar areas, or unusual privacy requirements may be erected subject to the obtaining of a use permit therefore and such use is found to not reduce public safety patrol and access capabilities.

Comment: Although the project site is not a tennis court, or similar area, the applicant is proposing a solid 5' 10" vinyl fence which would reduce public safety patrol visibility and access capabilities.

CONDITIONS OF APPROVAL

Staff's recommended conditions of approval be set by the Planning Commission.

PUBLIC HEARING NOTICE

Legal Notice for this item was sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091(a)3.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Approve the Fence Permit
- Deny the Fence Permit
- Continue the item to a future meeting

ATTACHMENTS:

- A.** Application Materials
- B.** Letter with violations/photos

Notice of Exemption

To: Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

County Clerk
County of Siskiyou
311 Fourth Street, 201
Yreka, California 96097

Project Title: 5 Foot 10 Inch Solid Vinyl Fence

Project Location – 370 Siskiyou Way Weed CA.

Project Location – City: City of Weed

Project Location – County: Siskiyou

Description of Nature, Purpose & Beneficiaries of Project:

Fence Permit to construct a 5 foot 10 inch privacy fence.

Name of Public Agency Approving Project: City of Weed

Name of Person or Agency Carrying Out Project: Weed Planning Department

Exempt Status: Categorical Exemption CEQA Reference §15301 (k) (4)

Reasons Why Project Is Exempt

Project is exempt Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Lead Agency Contact Person: Sandra Duchi, Acting Planning Director **Area Code/Phone:**
530/938-5020

Signature: _____ **Date:** _____ **Title:** City
Clerk/Acting Planning Director

Date received for filing at OPR:

APN 060 511 030

PROJECT NO. _____

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
FENCE PERMIT APPLICATION (Fence, Hedge, or Wall)
(Print or Type in Black Ink Only)

0 Conditional Use Permit \$150*
0 Architectural Review / Design \$ 100*
0 Subdivision (4 or Less) \$200*
0 Subdivision (5 or More) \$500*
0 Zone Amendment \$160*
0 General Plan Amendment \$500*
0 Home Occupation Permit \$75*
0 Sign \$75
0 Fence Permit \$0*

o Special Animal Permit \$25
o Second Dwelling Unit \$150*
o Boundary / Lot Line Adjustment \$100*
o Variance \$150*
o Tree Cutting Permit - Residential \$25 / Commercial \$75 / Home Firewood \$0 **If not listed, check with the Planner for fees and description**

In addition to the above fees, applicants shall be required to reimburse the City of Weed for any additional costs of issuing permit, including but not limited to, extraordinary fees for legal counsel and/or consultant costs.

* Engineering and planning consultant fees are assessed on a per hour basis. An initial fee, based on an estimated number of hours for the individual project will be determined at the start of the project, and must be paid by the applicant in addition to the application fee prior to commencement of the application process.

THIS IS AN APPLICATION ONLY. NO WORK IS TO BE STARTED UNTIL APPROVED.

If planning/engineering consultant review is required, that fee will be billed to applicant separately, and must be paid in full prior to final project approval.

Date 12-1-8-2025 Assessor's Parcel No.: _____

Applicant Armando Figuerola Zone: _____

Street Address 370 Siskiyou Way Weed CA 96094

Mail Address (if different) _____

Telephone No. (408) 794-9584

Name of Owner, if other than applicant Luz Ana Cuballero

Address 370 Siskiyou Way Telephone (408) 931-2396

Project Location: Side of house or front depends how you look at it

Installation by (Name & Address) Armando Figuerola 370 Siskiyou Way

A Site Plan drawn to scale is required. Indicate size and shape of fence, property, all existing structures, the distance of the proposed fence/hedge/wall structure to the nearest of existing structures and the distance to property lines. A layout for curb, gutter, and/or sidewalk installation with driveway approaches may also be required if this infrastructure is associated with the application. Detailed plans should be submitted if available and may be required of complex projects.

The signature of the applicant on this application will serve to indicate and acknowledge that the applicant has read and does understand and does agree to conform and comply with the City's ordinance, provisions, requirements, and/or conditions of approval.

Applicant Signature Armando Figuerola

Installer's Business License Number: _____

email Armando Figuerola
8110@gmail

FOR CITY USE ONLY: _____ APPROVED _____ DATE _____

- _____ A. Fences, hedges and walls do not exceed six feet in height from original grade on the lot or within all rear and side property lines on interior lot lines, and on or to the rear of all front yard setback lines.
- _____ B. Fence, hedge or wall shall not be erected in any front yard or in the side yard on the street side of either a corner lot or on a lot, the rear line of which abuts the side line of an adjoining lot shall not exceed forty-eight inches in height.
The fence, hedge, or wall in the front yard is proposed at _____ inches in height.
The fence, hedge, or wall on the street side of either a corner lot or on a rear line abutting the side line of an adjoining lot is proposed at _____ inches in height.
- _____ C. The street intersection of a corner lot shall have no fence, hedge or wall exceeding thirty-six inches in height within a triangle of twenty-five feet along the side of each street as measured from the intersection.
- _____ D. Fences or structures exceeding six feet in height to enclose tennis courts, similar areas, or in the case of special circumstances, when such fences enclose the rear half of a lot, may be erected subject to the obtaining of a use permit therefore.
- _____ E. Application is complete and complies with City regulations. A copy of this application signed and dated on the reverse constitutes the authority to construct as proposed or corrected.
- _____ F. Application is incomplete and returned to applicant this date _____.

COMMENTS AND OR CONDITIONS OF APPROVAL:

to P/C

PROJECT DESCRIPTION

PROJECT NAME Instaling fence

SITE ADDRESS 370 Gishgon Way Weed CA 96094

ASSESSOR'S PARCEL # _____

Describe in detail your proposed project, including a) proposed uses, special materials, special fixtures or appliances, relationship to the required materials and other requirements of the Municipal Code and any grading and/or construction which must be done to establish your project. Refer to project guidelines for specific submittal requirements. (Attach additional sheets if necessary, fence permit applications please attach a site plan drawn to scale, see examples. Indicate size, shape of fence, property, existing structures. A layout for curb, gutter, and/or sidewalk installation with driveway approaches may also be required.)

**** Materials list is required****

We are installing a fence that was donated to us
we are digging a two foot hole for the posts for
the assembly fence.

5'

fence size is 5'10" in height (plus ball on posts)
95' long in length ~~length~~ vinyl fence,
white.

PROPERTY OWNER SIGNATURE REQUIREMENT

I hereby certify that the facts, statements, and information presented within this application are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the City of Weed. I hereby certify that I have read and fully understand all the information required in this application form.

By signing this application, I (we) hereby authorize City, County, State and Federal agencies, requested to review this application, to enter my property for the purpose of reviewing and commenting on this application. The authorization is valid from the date of filing this application until the City formally acts to approve or deny this project.

Signature Luz Ana Cuballero
Printed Name Luz Ana Cuballero
Address 370 Siskiyow Way
City/State/Zip Weed C.A. 96094
Date 1/8/2025

Signature _____
Printed Name _____
Address _____
City/State/Zip _____
Date _____

Signature _____
Printed Name _____
Address _____
City/State/Zip _____
Date _____

Signature _____
Printed Name _____
Address _____
City/State/Zip _____
Date _____

CITY OF WEED
PLANNING DEPARTMENT
550 MAIN STREET
WEED, CALIFORNIA 96094
(530) 938-5020 TELEPHONE *** (530) 938-5096 FAX

APPLICANT SIGNATURE REQUIREMENT

I certify that I have read and understand WMC16.40, 18.24.210, et al, of the Weed Municipal Code; Fences,
Hedges, and Walls

Signature Armando Figueroa
Printed Name Armando Figueroa
Date ~~10~~ 1/8/25

Signature _____
Printed Name _____
Date _____

Signature _____
Printed Name _____
Date _____

Signature _____
Printed Name _____
Date _____

College Av.

Siskiyou College

Parking lot

Back fencing

370 Siskiyou Way

house

front of house

Side of house

Side fencing

Apartment complex

Siskiyou Way

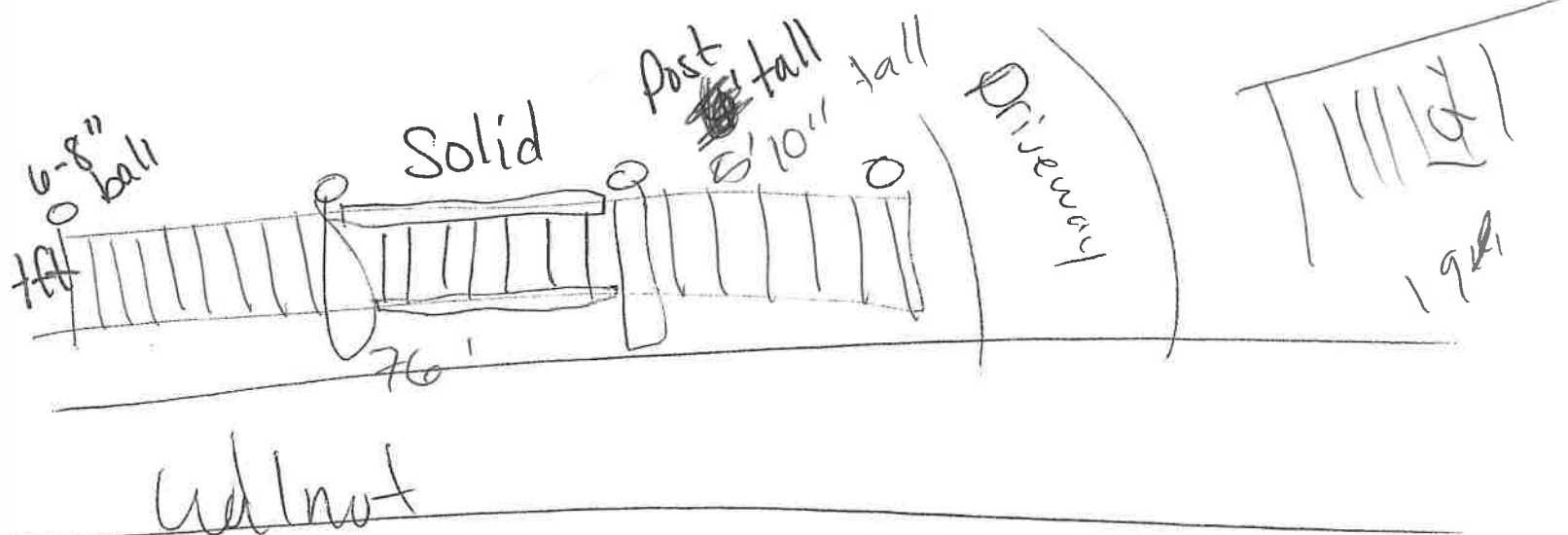
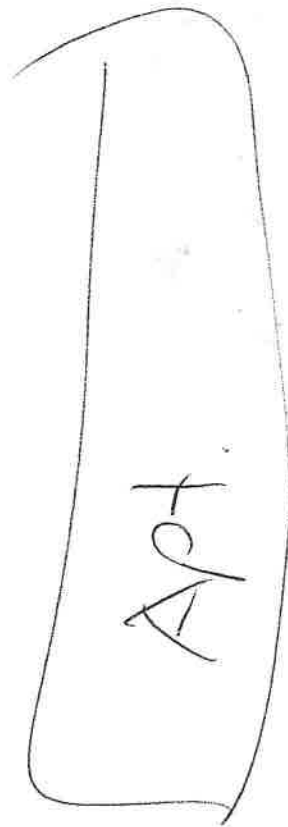
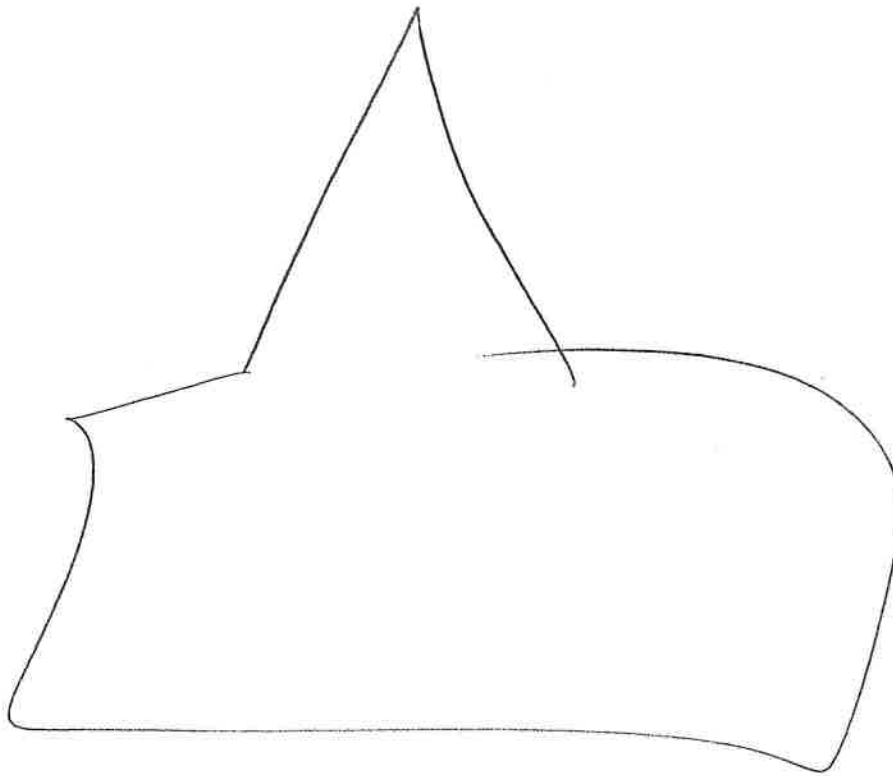
driveway

76' feet of fence

19' feet of fence

Walnut St.

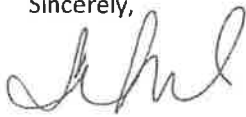
119
76
43



- Side and rear fences shall be constructed **WITHIN** property lines, **not on property lines**. Front fencing must be **20 feet from the property lines**. It is the applicant's responsibility to identify the property lines and corners prior to the construction. Changing the grade of the property to comply with fence height requirements is prohibited.
- A fence, hedge, or wall which is in any front yard, or in the side yard on the street side of either a corner lot, or on a lot the rear line or which abuts the sideline or an adjoining lot, **shall not exceed four feet in height as measured from grade at any point along either side of the fence, hedge, or wall. Again, changing the grade of the property to comply with fence height requirements is prohibited.**
- The street intersection of a corner lot shall have no fence, hedge, or wall exceeding three feet in height, from grade at any point along either side of the fence, hedge, or wall, within a triangle of twenty-five feet off the finished grade.
- Fence material shall be vinyl fencing as stated on application.
- If your fence is constructed or installed by a contractor, a City of Weed business license must be obtained prior to commencement of construction/installation.
- At completion of the fencing project, it shall be inspected for completeness by the City Building Inspector. **Please call 530.938.5025 to schedule your inspection.**
- The erection of a fence or wall without a city permit, and the erection of a fence or wall which does not conform to the design applied for and approved by the city shall constitute a violation of this code and be punishable as provided by this code.
- The erection of a fence, shrub, or wall which violates this chapter is a public nuisance and is subject to abatements pursuant to Chapter 8.24 of the WMC.

If you have questions concerning your application or the conditions of approval, please contact this office.

Sincerely,



Sandra Duchi
City Clerk



City of Weed

550 Main Street
P. O. Box 470
Weed, CA 96094

(530) 938-5020
(530) 938-5096 (FAX)

www.ci.weed.ca.us

October 21, 2024

No construction may occur until all violations have been remedied.

Armondo Figureou
370 Siskiyou Way
Weed, CA 96094

Dear Mr. Figureou

The City has received your application for fence permit for property at 370 Siskiyou Way. Your application is pending subject to the following conditions:

- Violation of Code 16.08. et al, must be brought into compliance before your application can be approved. 16.08.020 states: it is unlawful for any person to occupy, live in, use for sleeping quarters or use for commercial or business purposes any mobile home, trailer coach, travel trailer or camp car within the city except in a mobile home park authorized and operated pursuant to Part 2.1, Division 13, of the Health and Safety Code of the state.
- 16.08.040 It shall be presumed, for purposes of enforcement of this chapter, that any mobile home, trailer coach, travel trailer or camp car which is connected to an external source of electricity, gas, water or sewage disposal is being used as living or sleeping quarters or for commercial purposes.
- 16.08.050 Every person violating this chapter shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment. Every violator of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day such violation shall continue, and shall be subject to the penalty imposed by this section for each and every such separate offense.

Please contact a Code Enforcement Officer at 530-938-5000 for inspection.

Once in compliance with the above code and any other code violations that may arise from inspection, the city may move forward with issuing your fence permit with the following conditions:

- The fence shall be constructed and maintained in accordance with the approved drawings on file in the Building Department, and the conditions contained herein, and must comply with current codes.
- The fence shall be constructed and maintained in accordance with WMC 16.40, 18.24.210, et al as stated and agreed to on your application.

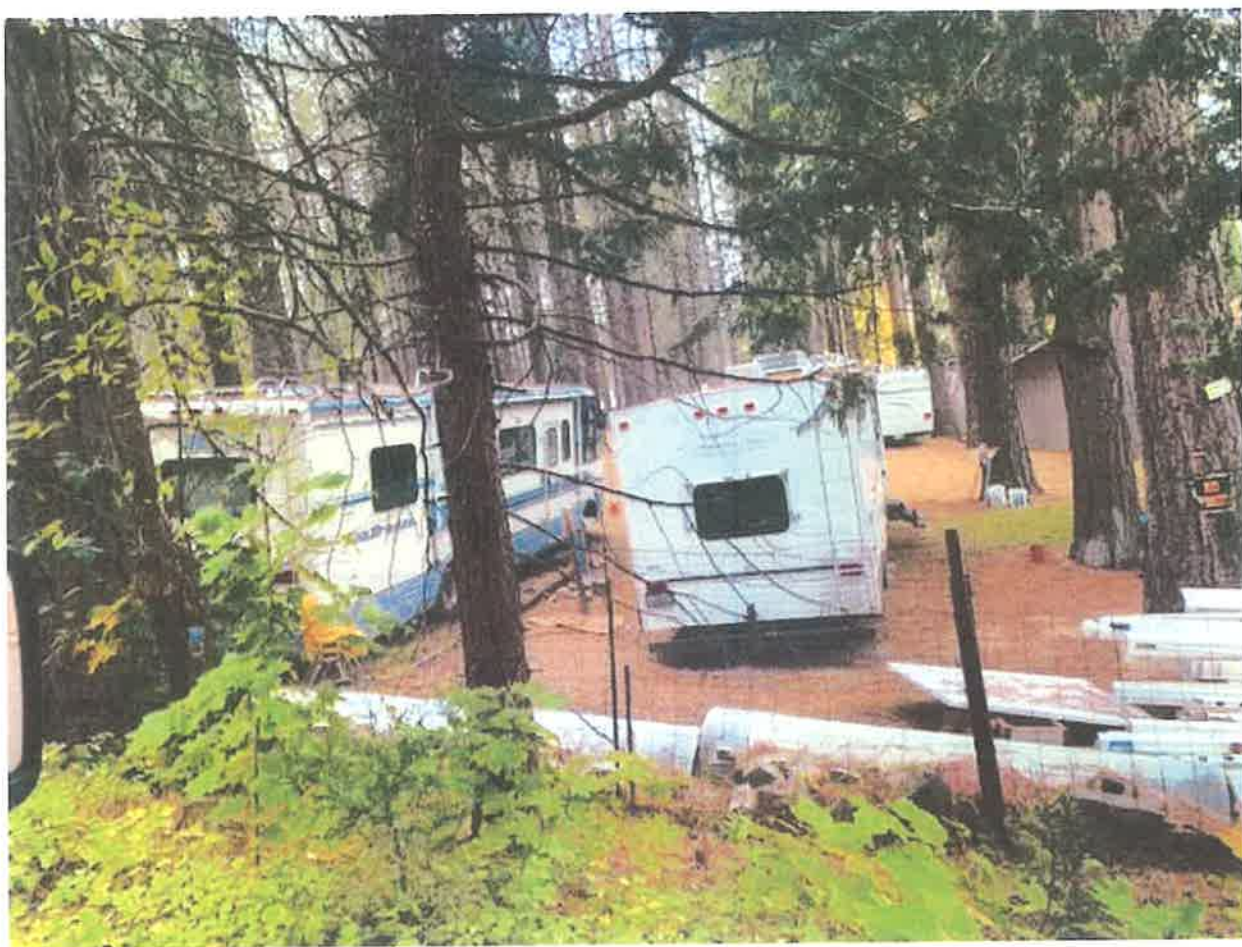
- Side and rear fences shall be constructed **WITHIN** property lines, **not on property lines**. Front fencing must be **20 feet from the property lines**. It is the applicant's responsibility to identify the property lines and corners prior to the construction. Changing the grade of the property to comply with fence height requirements is prohibited.
- A fence, hedge, or wall which is in any front yard, or in the side yard on the street side of either a corner lot, or on a lot the rear line or which abuts the sideline or an adjoining lot, shall not exceed four feet in height as measured from grade at any point along either side of the fence, hedge, or wall. Again, changing the grade of the property to comply with fence height requirements is prohibited.
- The street intersection of a corner lot shall have no fence, hedge, or wall exceeding three feet in height, from grade at any point along either side of the fence, hedge, or wall, within a triangle of twenty-five feet off the finished grade.
- Fence material shall be vinyl fencing as stated on application.
- If your fence is constructed or installed by a contractor, a City of Weed business license must be obtained prior to commencement of construction/installation.
- At completion of the fencing project, it shall be inspected for completeness by the City Building Inspector. **Please call 530.938.5025 to schedule your inspection.**
- The erection of a fence or wall without a city permit, and the erection of a fence or wall which does not conform to the design applied for and approved by the city shall constitute a violation of this code and be punishable as provided by this code.
- The erection of a fence, shrub, or wall which violates this chapter is a public nuisance and is subject to abatements pursuant to Chapter 8.24 of the WMC.

If you have questions concerning your application or the conditions of approval, please contact this office.

Sincerely,



Sandra Duchi
City Clerk

















**CITY OF WEED
PLANNING COMMISSION
Staff Report**

MEETING DATE: February 19, 2024

REQUEST: Fence Permit Application

LOCATION: 505 California Street Weed CA 96094
060-183-170

APPLICANT: Michael and Rachel Smith
22425 Old Hwy 99 Weed Ca 96094

PROPERTY OWNER: Micheal and Rachel Smith

RECOMMENDATION

"I move that the Planning Commission find that the proposed project is exempt from CEQA per CEQA Guidelines Section 15301 and approve a Fence Permit for Michael and Rachel Smith, subject to the conditions of approval of this Staff Report."

PROJECT/AREA DESCRIPTION

General Plan Designation: R1, Single Family Residential
Zoning Designation: R1, Single Family Residential
Property Size: 0.28 Acre (approx.)

PROPOSED PROJECT

This project is to review and approve a fence and gate, chain link with privacy slats that exceed the maximum height of 4'. The property is zoned and used as R1 Single Family Residential, historically used as RV Storage/Garage. The current property owners are utilizing the property to store business equipment and vehicles.

The project is subject to Section 18.24.210 of the City of Weed Municipal Code, specifically subsections B and E as follows:

B. No fence, hedge or wall over forty-eight inches in height shall be erected in any front yard, or in the side yard on the street side of either a corner lot or on a lot, the rear line of which abuts the sideline of an adjoining lot.

E. Fences or structures exceeding the allowable height to enclose tennis courts, similar areas, or unusual privacy requirements may be erected subject to the obtaining of a use permit therefore and such use is found to not reduce public safety patrol and access capabilities.



Figure 1 Site Location

ANALYSIS

Code Enforcement contacted the property owners in September 2024 regarding the accumulation of vehicles. In January 2025 a notice to abate was posted. Code enforcement advised the property owners the vehicles are required to be behind a fence. The property owner is applying for a 6-foot black chain link fence with privacy slats, built 16 feet from the property line.

The Weed Municipal Code (section 18.24.210) establishes the following requirements for fences, hedges and walls:

Fences, hedges and walls may be erected in any district subject to the following conditions:

1. Fences, hedges and walls shall not exceed six feet in height from original grade on the lot or within all rear and side property lines on interior lot lines, and on or to the rear of all front yard setback lines.
2. No fence, hedge or wall over forty-eight inches in height shall be erected in any front yard, or in the side yard on the street side of either a corner lot or on a lot, the rear line of which abuts the sideline of an adjoining lot.
3. The street intersection of a corner lot shall have no fence, hedge or wall exceeding thirty-six inches in height within a triangle of twenty-five feet along the side of each street as measured from the intersection.

4. Trees located within the twenty-five-foot triangle referenced in subsection C above shall have limbs trimmed and maintained to a minimum of eight feet off the finished grade.
5. Fences or structures exceeding the allowable height to enclose tennis courts, similar areas, or unusual privacy requirements may be erected subject to the obtaining of a use permit therefore and such use is found to not reduce public safety patrol and access capabilities.
6. A fence permit shall be obtained from the city prior to the erection or installation of any fence or wall. The city clerk shall establish fees and procedures for the issuance of fence permits, including fees for failure to obtain such a permit or to comply with other city requirements. All such fees shall become effective immediately upon their approval by city council resolution. The permit shall issue upon representation that the design complies with city requirements, is safe, and is located on the applicant's property. The erection of a fence which does not comply with the requirements, or failure to obtain such a permit before commencing construction, shall constitute a violation of this code and be punishable as provided in California Government Code Section 36900(b), or any successor statute, as it exists at the time of the violation.
7. It shall be the responsibility of the property owner to identify the property corners prior to the construction.

The proposed fence would extend the non-conforming use of this site as off-site vehicle storage a non-conforming use in a residential zone. Section 18.28.030 states that a non-conforming "...use, design or arrangement, shall not be enlarged, extended, reconstructed, or structurally altered unless such enlargement, extension, reconstruction or alteration is in compliance with the regulations set forth in this title for the district where such building or structure is located". Per our code, the extent of the improvements cannot exceed 50 percent of the value of the building. The Planning Commission will need to determine if this request meets the intent of the municipal code.

Taller fencing would allow for an expansion of the use over the entire site, and once fenced much of the property would be out of view. Staff is concerned that this could lead to more vehicles being stored on the site resulting in an unpermitted "junk yard" over time. The Commission will need to consider whether extending the non-conforming use on the property is in line with the rest of the neighborhood and complies with the provisions of the municipal code.

Section 18.08.070 of the municipal code has the following definition:

"Accessory building" means a subordinate building, including shelters of pools, the use of which is incidental to that of the main building on the same lot and/or building site."

There is no home on the site and the installation of a fence of this style would be a new design element introduced into this neighborhood. As shown in Figure 2, the street has homes and buildings set back from California Street with fencing at or below 4 feet consistent with the code. Taller fencing, if it exists, is behind the front yard setback.



Figure 2 View west along California Street



Figure 3 1/21/2025

Staff concedes that given this is an existing non-conforming building with code enforcement history, installation of a fence may be the only way to allow continued use of the property and meet the provisions of the municipal code. Staff has recommended conditions of approval should the Commission decide to approve the proposed project.

ENVIRONMENTAL REVIEW

The proposed project meets the criteria for an exemption from the California Environmental Quality Act Guidelines (CEQA) Section 15301 (k) (4) "Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences."

FINDINGS

Section 18.24.210 of the Weed Municipal Code requires that the Planning Commission make the following findings in order to approve a Fence Permit.

1. No fence, hedge or wall over forty-eight inches in height shall be erected in any front yard, or in the side yard on the street side of either a corner lot or on a lot, the rear line of which abuts the side-line of an adjoining lot.

Comment: The project site runs from east to West along California Street. Anything above forty-eight inches in heights require Planning Commission consideration and approval. Staff recommends that the new fence not encroach on the front yard setback to be consistent with other fencing along the street. This would require the fence to be set back 20 feet from California Street per the code. Staff notes that other homes along the street may not be set back 20 feet and suggests that the fence instead be set 2 feet behind the front plane of the existing building to avoid creating a monolithic 'wall' that would be out of character with the existing homes along the street.

2. Fences or structures exceeding the allowable height to enclose tennis courts, similar areas, or unusual privacy requirements may be erected subject to the obtaining of a use permit therefore and such use is found to not reduce public safety patrol and access capabilities.

Comment: Although the project site is not a tennis court, or similar area, the applicant is proposing a sort of solid 5' 10" vinyl fence which would reduce public safety patrol and access capabilities. The slats in the fence reduce, but do not completely obscure the view. The slats are enough of an obstruction that seeing into the property will be difficult. The installation of this fence would expand the ability to store additional vehicles on this property, which has been a code enforcement issue.

3. Section 10.56.030 Exemptions under Vehicles and traffic states.

A vehicle or part thereof which is located behind a solid fence six feet in height, and which is not plainly visible from a highway. Slats in a chain link fence are not 'solid' as required by our code. Aside from maintenance for broken or missing slats, the slats allow for views into the property and the cars will be visible. While this is a modest improvement over the existing condition, staff would prefer solid fencing at least on the California Street frontage and ideally around the whole of the property so the adjacent residents do not have to see the storage lot. However, it is entirely within the purview of the Planning Commission to determine whether this chain link fence adequately addresses the requirements of the municipal code.

CONDITIONS OF APPROVAL

Staff recommend conditions of approval be set by the Planning Commission but offers the following based on the analysis in this staff report.

1. The fence will be set back the lesser of 20 feet, or 2 feet behind the front wall of the existing building.
2. No barbed wire, concertina wire, razor wire, or other 'fence topping' shall be permitted.

PUBLIC HEARING NOTICE

Legal Notice for this item was sent to all property owners of record within a 300-foot radius of the project site as required by California State Law §65091(a)3.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Approve the Fence Permit
- Deny the Fence Permit
- Continue the item to a future meeting

ATTACHMENTS:

- A.** Application Materials

Notice of Exemption

To: Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

County Clerk
County of Siskiyou
301 Fourth Street, 201
Yreka, California 96097

Project Title: 6 Foot Privacy Fence

Project Location – 505 California Street Weed CA.

Project Location – City: City of Weed

Project Location – County: Siskiyou

Description of Nature, Purpose & Beneficiaries of Project:

Fence Permit to construct a 6 foot chain link fence with privacy slats.

Name of Public Agency Approving Project: City of Weed

Name of Person or Agency Carrying Out Project: Weed Planning Department

Exempt Status: Categorical Exemption CEQA Reference §15301 (k) (4)

Reasons Why Project Is Exempt

Project is exempt Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Lead Agency Contact Person: Sandra Duchi, Acting Planning Director **Area Code/Phone:** 530/938-5020

Signature: _____ **Date:** _____ **Title:** City

Clerk/Acting Planning Director

Date received for filing at OPR:



APN _____ PROJECT NO. _____

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
FENCE PERMIT APPLICATION (Fence, Hedge, or Wall)
(Print or Type in Black Ink Only)

0 Conditional Use Permit \$150*
0 Architectural Review / Design \$ 100*
0 Subdivision (4 or Less) \$200*
0 Subdivision (5 or More) \$500*
0 Zone Amendment \$160*
0 General Plan Amendment \$500*
0 Home Occupation Permit \$75*
0 Sign \$75
0 Fence Permit \$0*

o Special Animal Permit \$25
o Second Dwelling Unit \$150*
o Boundary / Lot Line Adjustment \$100*
o Variance \$150*
o Tree Cutting Permit - Residential \$25 / Commercial \$75 / Home Firewood \$0 **If not listed, check with the Planner for fees and description**

060183 170

msmithelec@yahoo.com

In addition to the above fees, applicants shall be required to reimburse the City of Weed for any additional costs of issuing permit, including but not limited to, extraordinary fees for legal counsel and/or consultant costs.

* Engineering and planning consultant fees are assessed on a per hour basis. An initial fee, based on an estimated number of hours for the individual project will be determined at the start of the project, and must be paid by the applicant in addition to the application fee prior to commencement of the application process.

THIS IS AN APPLICATION ONLY. NO WORK IS TO BE STARTED UNTIL APPROVED.

If planning/engineering consultant review is required, that fee will be billed to applicant separately, and must be paid in full prior to final project approval.

Date 1-27-2025 Assessor's Parcel No.: _____Applicant MICHAEL & PAUL SMITH Zone: _____Street Address 606 CALIFORNIA ST. WEED, CA 96094Mail Address (if different) 22425 OLD HWY 99 WEED, CA 96094Telephone No. 530-925-5266 / 818-406-7775

Name of Owner, if other than applicant _____

Address _____ Telephone _____

Project Location: 606 CALIFORNIA ST. WEED, CA 96094Installation by (Name & Address) MICHAEL SMITH

A Site Plan drawn to scale is required. Indicate size and shape of fence, property, all existing structures, the distance of the proposed fence/hedge/wall structure to the nearest of existing structures and the distance to property lines. A layout for curb, gutter, and/or sidewalk installation with driveway approaches may also be required if this infrastructure is associated with the application. Detailed plans should be submitted if available and may be required of complex projects.

The signature of the applicant on this application will serve to indicate and acknowledge that the applicant has read and does understand and does agree to conform and comply with the City's ordinance, provisions, requirements, and/or conditions of approval.

Applicant Signature [Signature]Installer's Business License Number: 1049321

FOR CITY USE ONLY: _____ APPROVED _____ DATE _____

- _____ A. Fences, hedges and walls do not exceed six feet in height from original grade on the lot or within all rear and side property lines on interior lot lines, and on or to the rear of all front yard setback lines.
- _____ B. Fence, hedge or wall shall not be erected in any front yard or in the side yard on the street side of either a corner lot or on a lot, the rear line of which abuts the side line of an adjoining lot shall not exceed forty-eight inches in height.
The fence, hedge, or wall in the front yard is proposed at _____ inches in height.
The fence, hedge, or wall on the street side of either a corner lot or on a rear line abutting the side line of an adjoining lot is proposed at _____ inches in height.
- _____ C. The street intersection of a corner lot shall have no fence, hedge or wall exceeding thirty-six inches in height within a triangle of twenty-five feet along the side of each street as measured from the intersection.
- _____ D. Fences or structures exceeding six feet in height to enclose tennis courts, similar areas, or in the case of special circumstances, when such fences enclose the rear half of a lot, may be erected subject to the obtaining of a use permit therefore.
- _____ E. Application is complete and complies with City regulations. A copy of this application signed and dated on the reverse constitutes the authority to construct as proposed or corrected.
- _____ F. Application is incomplete and returned to applicant this date _____.

COMMENTS AND OR CONDITIONS OF APPROVAL:

Client States fence will be 16' from property line

PROJECT DESCRIPTION

PROJECT NAME SMITH FENCE PROJECT

SITE ADDRESS 1006 CALIFORNIA ST. WEST, CA 90094

ASSESSOR'S PARCEL # _____

Describe in detail your proposed project, including a) proposed uses, special materials, special fixtures or appliances, relationship to the required materials and other requirements of the Municipal Code and any grading and/or construction which must be done to establish your project. Refer to project guidelines for specific submittal requirements. (Attach additional sheets if necessary, fence permit applications please attach a site plan drawn to scale, see examples. Indicate size, shape of fence, property, existing structures. A layout for curb, gutter, and/or sidewalk installation with driveway approaches may also be required.)

**** Materials list is required****

- 6' CHAIN LINK FENCE W/PRIVACY SLATS
- INLINE WITH FRONT EDGE OF BUILDING, EXTENDING WEST TO PROPERTY LINE; SOUTH TO PROPERTY LINE.
- VEHICLE GATE AND MAN GATE AT FRONT.

PROPERTY OWNER SIGNATURE REQUIREMENT

I hereby certify that the facts, statements, and information presented within this application are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the City of Weed. I hereby certify that I have read and fully understand all the information required in this application form.

By signing this application, I (we) hereby authorize City, County, State and Federal agencies, requested to review this application, to enter my property for the purpose of reviewing and commenting on this application. The authorization is valid from the date of filing this application until the City formally acts to approve or deny this project.

Signature 

Printed Name MICHAEL SMITH

Address 22425 OLD HWY 99

City/State/Zip WEED CA

Date 1-27-25

Signature 

Printed Name PAMELA SMITH

Address 22425 OLD HWY 99

City/State/Zip WEED, CA 96094

Date 1.27.25

Signature _____

Printed Name _____

Address _____

City/State/Zip _____

Date _____

Signature _____

Printed Name _____

Address _____

City/State/Zip _____

Date _____

CITY OF WEED
PLANNING DEPARTMENT
550 MAIN STREET
WEED, CALIFORNIA 96094
(530) 938-5020 TELEPHONE *** (530) 938-5096 FAX

APPLICANT SIGNATURE REQUIREMENT

I certify that I have read and understand WMC16.40, 18.24.210, et al, of the Weed Municipal Code; Fences,
Hedges, and Walls


Signature _____

Printed Name MICHAEL SMITH

Date 1-27-25

Signature _____

Printed Name _____

Date _____


Signature _____

Printed Name MICHAEL SMITH

Date 1.27.2025

Signature _____

Printed Name _____

Date _____

SMITH RACHEL AND MICHAEL
505 CALIFORNIA ST.
WEED CA. 96094

CALIFORNIA ST

6' FENCE

SHOP

CITY OF WEED PLANNING COMMISSION
MEETING MINUTES
December 18, 2024

The Planning Commission of the City of Weed held a regular meeting on Wednesday December 18, 2024, at 5:30 p.m. in the Council Chambers at City Hall. Chair Martin Nicholas called the meeting to order and led the Pledge of Allegiance. Present, in addition to Chair Nicholas, were Commissioners Derek Dewhurst, Veronica Rivera, via zoom Contract Planner Mark Teague, and Commission Secretary Sandra Duchi.

Commissioner Rivera moved to approve Commissioner Palmers' absence. Commissioner Nicholas seconded the motion, and the vote was:

AYES: Commissioner Dewhurst, Nicholas, and Revera

NOES: None

ABSENT: Commissioner Palmer

ABSTAIN: None

NON-AGENDA PUBLIC COMMENT

There was none.

CONFLICTS OF INTEREST

There were none.

PUBLIC HEARING

A. Considered a Conditional Use Permit including Signage, Architectural Review, and Tree Cutting Permit for an AMPM fueling station at 1886 Shastina Drive, Weed CA APN 060-552-230 and approved CEQA Exemption Section 15332 In-fill Development Project. Contract Planner Teague presented the staff report. Chair Nicholas opened the public hearing at 5:34PM. Project proponent Charles Nattland introduced himself and his team and discussed the project. Commissioner's questions were asked and answered. Amrat Newel, one of the owners, spoke in favor of the project and their commitment. There were no project opponents. Chair Nicholas closed the hearing at 5:42PM. Commissioner Rivera moved to approve the Use Permit, Sign Permit, Architectural Review, Tree Permit, and CEQA Exemption. Commissioner Dewhurst seconded the motion, and the vote was:

AYES: Commissioner Dewhurst, Nicholas, and Revera

NOES: None

ABSENT: Commissioner Palmer

ABSTAIN: None

APPROVAL OF MINUTES

There was no correction to the minutes of the meeting of August 21, 2024, and they were approved as written, copies of which were distributed to the Commission for review prior to the time of the meeting.

COMMISSIONERS REPORTS

Commissioner Rivera reported construction at College of the Siskiyous Ford Theater is scheduled to begin August 2025, and the construction of the new school dorms is expected to begin October of 2025. Both project are anticipated to take 18 month to complete.

STAFF REPORT

Commission Secretary Duchi reported there is still one open seat on the Planning Commission.

ADJOURNMENT

Commissioner Rivera moved to adjourn the meeting. Commissioner Dewhurst seconded the motion, and the vote was:

AYES: Commissioners Dewhurst, Nicholas, and Rivera

NOES: None

ABSENT: Commissioner Palmer

ABSTAIN: None

Meeting adjourned 5:46P.M. SINE DIE

ATTEST:

Commission Secretary