

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD IN
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY
ON THE 17th DAY OF OCTOBER 2007

On the 17th day of October, at 7:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said city in regular session. The meeting was called to order by Vice Chair Knitter and present were:

Commissioners: Peggy Amaral
 Jason Darrow
 Diane Knitter
 Mark McAllister
 Judi Rowland
 Joe Schettino

Absent: Richard Rolzinski

New Planning Commissioner, Jason Darrow, was welcomed to the Commission.

**NEGATIVE DECLARATION – TENTATIVE PARCEL MAP
MYRON & JUDY ANDERSON – TAYLOR AVENUE**

The Commission reviewed the application submitted by Myron & Judy Anderson for environmental review for a Negative Declaration for a tentative parcel map for a minor subdivision creating four (4) parcels of 2.53, 2.4, 2.0, 2.0 acres plus a 77 +/- acre remainder, the remainder parcel is located in Siskiyou County outside the Yreka City limits. The Commission also reviewed the application for a tentative parcel map for a minor subdivision creating four (4) parcels of 2.53, 2.4, 2.0, 2.0 acres plus a 77 +/- acre remainder. The project is located on the west side of Taylor Avenue, south of and adjacent to 504 Outsen Road.

This being the time and date set for a public hearing on an application for environmental review for a Negative Declaration for a tentative parcel map and application for a tentative parcel map creating four parcels, Vice Chair Knitter stated that the request for the Negative Declaration and tentative parcel map would be discussed and considered concurrently. Vice Chair Knitter opened the public hearings to the audience.

Staff reported the Technical Committee recommended approval of both the Negative Declaration and tentative parcel map subject to the findings and conditions as presented.

Applicants were in attendance.

There being no comments from the public, the public hearings were closed and discussion was opened to the Commission.

Following Commission discussion, Commissioner Schettino made a motion to approve the application for an environmental review for a Negative Declaration for a tentative parcel map for a minor subdivision creating four (4) parcels of 2.53, 2.4, 2.0, 2.0 acres plus a 77+/- acre remainder, and approve the application for a tentative parcel map for a minor subdivision creating four (4) parcels of 2.53, 2.4, 2.0, 2.0 acres plus a 77+/- acre remainder, the remainder parcel being located in Siskiyou County outside the Yreka City limits. The project is located on the west side of Taylor Avenue, south of and adjacent to 504 Outsen Road, Assessor's Parcel No. 62-181-010, RA zone and RA General Plan designation.

The approvals are based on the Technical Committee's recommendations and subject to full compliance with all applicable city, state, and federal laws and regulations and the following findings and conditions of approval:

NEGATIVE DECLARATION

APPROVED

A) The project of creating four parcels of 2 acres or more with a 77 acre remainder does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

The City is not aware of or in possession of information contrary to the finding.

B) The project of creating four parcels of 2 acres or more with a 77 acre remainder as presented does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals. (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

The City is not aware of or in possession of information contrary to the finding.

C) The project of creating four parcels of 2 acres or more with a 77 acre remainder as presented does not have impacts which are individually limited, but cumulatively considerable. (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

The City is not aware of or in possession of information contrary to the finding.

D) The project of creating four parcels of 2 acres or more with a 77 acre remainder as presented does not have environmental effects which cause substantial adverse effects on human beings, either directly or indirectly.

The City is not aware of or in possession of information contrary to the finding.

E) All environmental issues have been reviewed and considered prior to approval of the project and the Planning Commission finds that there are no significant impacts which will not be mitigated.

The City is not aware of or in possession of information contrary to the finding.

F) Initial study has been conducted by the Planning Department and Technical Committee so as to evaluate the potential for an adverse environmental impact. The Planning Commission finds that there is no evidence before the Planning Commission that the proposed project will have any potential adverse affect on wildlife resources. A Negative Declaration has been prepared pursuant to Section 21080(c) of the Public Resources Code; therefore, a fee of \$1,800.00 shall be paid pursuant to Section 711.4(d) of the Fish and Game Code.

G) All elements of the project description shall be complied with.

TENTATIVE PARCEL MAP

APPROVED

FINDINGS:

1. The proposed map complies with the requirements of Title 15, Subdivisions, of the Yreka Municipal Code, the Subdivisions Map Act, and zoning laws of the City, and all applicable state laws.
2. The tentative parcel map is consistent with the applicable general and specific plans of the City of Yreka.
3. The design and improvements of the proposed subdivision are consistent with the applicable general and specific plans of the City of Yreka.
4. The site is physically suitable for the proposed density of development.
5. The site is physically suitable for the type of development.
6. The design of the subdivision and the potential improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
7. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

CONDITIONS:

1. Parcels to conform to the minimum lot sizes and improvements required in a RA zone as set forth in Chapter 16.24 of the Yreka Municipal Code.
2. Extension of water mains and storm drains along the frontage of each parcel created as determined by the Director of Public Works.
3. Construction of water services to each parcel created.
4. Parcels will be served with septic systems approved by Siskiyou County Public Health Department.
5. In the event the septic system fails and the City sewer line is within 200 feet of the building, connection to the sewer would be required according to Government Code Section 54352.
6. Permittee shall offer for dedication the right of way for the off-site road (Taylor Avenue) connection from Taylor Avenue to Outsen Road to the City of Yreka. The connection is known as Assessor's Parcel Numbers 062-181-030, 062-181-040, and 062-231-140.
7. Street lights are not required for single-family residential subdivision with an average lot size of one acre or more pursuant to Yreka Municipal Code Section 15.32.070(5). The project proposes parcels of 2.0 to 2.53 acres.
8. The project is located in a sidewalk exempt area. Each parcel created may be granted exemption to construction of sidewalks subject to permit approval and payment of in lieu fees.
9. The following statement shall be placed on the Parcel Map: "Prior to issuance of a permit or other grant of approval for development of the first parcel the following improvements are required: engineering and street construction of one-half the width of the street along the Taylor Avenue parcel frontage of all four lots plus curb and gutter in accord with City standard specifications". If these improvements are not installed by the time the final map is approved, the Permittee shall enter into an improvement agreement with the City of Yreka for the engineering and construction of these improvements, and shall provide security for performance of that agreement which may include an encumbrance against each parcel created by the map. The improvement agreement may provide that the City will release the encumbrances as and when the improvements are installed. The parties agree that the improvements will be installed prior to final inspection of the first building permit on the project. The agreement may also provide that the encumbrances shall not be subordinate to existing encumbrances, if in the discretion of the City Attorney it is not in the interests of the City to do so.
10. A ten (10) foot utility easement shall be required along all street frontages for public utilities provided that easements of lesser width may be allowed with concurrence of the Director of Public Works as set forth in Section 15.32.210 of the Yreka Municipal Code.

11. Permittee shall submit storm water drainage plan subject to Director of Public Works approval prior to grading permit and/or building permit issuance.
12. The following statement shall be placed on the Parcel Map: "There shall be no grading on any parcel until a final grading plan for the proposed subdivision is submitted and approved by the Building Official and a grading permit is issued by the Building Official."
13. The following statement shall be placed on the Parcel Map: "All Findings and Conditions of Approval for Tentative Parcel Map Permit No. 3809 shall be complied with."
14. Payment of parkland in-lieu fees for each parcel created as set forth in Chapter 15.42 of the Yreka Municipal Code.
15. Plans for all public improvements shall be submitted and approved by the Director of Public Works prior to construction of any public improvements. Plans shall be prepared by a registered civil engineer. Contractor shall obtain an Encroachment Permit prior to any construction. Public improvements include, but are not limited to water, sewer, storm drain, street, curb, gutter, sidewalk, and street lights. The street pavement structural section shall be based on "R" values with a minimum section of 2 inches asphalt concrete over 6 inches of aggregate base rock. Reference: Yreka Municipal Code, Chapter 15.32.
16. Construction/installation of all other necessary improvements pursuant to Yreka Municipal Code and the City's Public Works Standards.

The engineering for the street improvements shall include engineering for Taylor Ave north to Outsen Road and south for a reasonable distance to assure that the street improvements constructed will conform with future street improvements that result in a typical well designed and constructed street meeting all Public Works standards. The construction of the street improvements shall include construction of all necessary transitions on the north, south, and east side of the constructed street improvements so that all improvements result in an acceptable temporary street.

17. Full compliance with the Subdivision Map Act and Title 15, Subdivisions, of the Yreka Municipal Code, and all other applicable city, state, and federal codes.
18. Filing of final subdivision map within twenty-four months from date of Planning Commission approval, with a copy to the Planning Department.

Commissioner Rowland seconded the motion. The motion carried by the following vote:

AYES: Amaral, Darrow, Knitter, McAllister, Rowland, Schettino
NOES: None

USE PERMIT – USED CAR SALES

BRIAN WYATT – 112 W. OBERLIN ROAD**APPROVED**

The Commission reviewed the application for a Use Permit submitted by Brian Wyatt to establish and operate a used car sales business in addition to the existing auto repair and vehicle storage on the property located at 112 W. Oberlin Road.

This being the time and date set for a public hearing on an application for a Use Permit to establish and operate a used car sales business on the property located at 112 W. Oberlin Road, Vice Chair Knitter opened the hearing to the public.

Staff reported the Technical Committee recommended approval subject to the findings and conditions as presented.

Staff recommended that the Planning Commission make a determination that the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, Section 15061(b)(3) of the CEQA Guidelines. The project of establishing and operating a used car sales business in addition to the existing auto repair and vehicle storage will not have a significant effect on the environment and is therefore not subject to CEQA.

Applicant, Brian Wyatt, reported that he plans to install the paving required himself.

There being no further comments from the public, the public hearing was closed and discussion was opened to the Commission.

Commissioner's expressed concern regarding the oil tank that was not removed as previously required. Mr. Wyatt said they moved it as far to the east end of the building as they could. It was suggested that a barrier be installed to protect the tank from damage.

Following Commission discussion, Commissioner McAllister made a motion to approve the application for a Use Permit to establish and operate a used car sales business in addition to the existing auto repair and vehicle storage on the property located at 112 W. Oberlin Road, Assessor's Parcel No. 61-351-250, CH zone, GC General Plan designation subject to the following additional conditions:

Pavement where the used cars are placed for sale shall have a minimum depth of 20 feet, width to be determined by the number of vehicles for sale. Pavement shall meet the minimum construction standard as required in Yreka Municipal Code section 16.54.090.G.

Permittee shall protect the heating fuel tank from possible damage from vehicles with bollards or other acceptable means or relocate the tank to the east end of the building where vehicles do not have access to the tank.

The approval is based on Staff's and the Technical Committee's recommendations and

subject to full compliance with all applicable city, state, and federal laws and regulations and the following findings and conditions of approval:

FINDINGS:

1. The establishment and operation of a used car sales business in addition to the existing auto repair and vehicle storage business will not:
 - a. be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, and will not be detrimental to the harmonious and orderly growth of the City of Yreka.
 - b. be detrimental to property or improvements in the neighborhood and the commercial use will not impair the desirability of investment or occupation in the vicinity.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors.
 - d. adversely affect matters regarding police protection, crime prevention, and security.
 - e. adversely affect circulation or traffic patterns in the neighborhood or constitute a nuisance.
2. The use is compatible with the policies and objectives of the zoning ordinance.
3. The project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment, Section 15061(b)(3) of the CEQA Guidelines. The project of establishing and operating a used car sales business in addition to the existing auto repair and vehicle storage will not have a significant effect on the environment and is therefore not subject to CEQA.

CONDITIONS:

1. Permittee granted a permit to establish and operate a used car sales business in addition to the existing auto repair and vehicle storage business at the location set forth in the application, subject to full compliance with applicable city and state codes. **The premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the Permittee.**
2. All elements of the project application including site, landscape, and parking plan shall be complied with. The landscape and parking plan approved for the auto repair and vehicle storage are not proposed to change with the additional used car sales use.

3. Areas where the vehicles for sale are displayed and open to the public shall be paved in accordance with Yreka Municipal Code Section 16.36.080.
4. Pavement where the used cars are placed for sale shall have a minimum depth of 20 feet, width to be determined by the number of vehicles for sale. Pavement shall meet the minimum construction standard as required in Yreka Municipal Code section 16.54.090.G.
5. Permittee shall protect the heating fuel tank from possible damage from vehicles with bollards or other acceptable means or relocate the tank to the east end of the building where vehicles do not have access to the tank.
6. Adequate off-street parking facilities shall be provided as follows: one (1) space for each six hundred (600) square feet of floor area plus one space for each two thousand (2,000) square feet of outdoor sales or service area as set forth in Section of the Yreka Municipal Code. Six parking spaces are required for the auto repair & vehicle storage pursuant to Sections 16.54.020.2.d and 16.54.020.9.
7. The off-street parking plan and facilities approved by the Planning Commission shall not be deviated from unless prior approval of the Planning Commission is secured, and all loading, customer, and employee parking areas, access drives and aisles shall be paved and striped and bumper rails or other barriers shall be provided, as determined by the Building Official and in accordance with Section 16.54.090 of the Yreka Municipal Code.
8. Parking required for disabled persons shall be marked, posted, and maintained in accord with provisions of the Motor Vehicles Code and any other law or regulation now or hereinafter enacted relating to parking for disabled persons.
9. Use shall be conducted in accordance with the site plan as submitted and no alterations shall be made of the building location(s) parking and landscaping without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.
10. All landscaping shall be maintained and replaced as necessary as depicted on the site plan approved for the auto repair and vehicle storage permit.
11. Permittee shall comply at all times with the zoning district regulations for a CH zone as set forth in section 16.36 of the Yreka Municipal Code.
12. Permittee shall obtain a building permit and shall pay the necessary fees therefor prior to making any building, electrical, mechanical, or plumbing installations and/or improvements. Public infrastructure improvements such as curb, gutter, sidewalk, street lights, wheel chair ramps, driveway approaches and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.

13. Permittee shall submit storm water drainage plan subject to Director of Public Works approval prior to grading permit and/or building permit issuance for potential installation of onsite storm water detention.
14. No signs shall be placed on the premises without prior approval of the Planning Department.
15. Use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.
- 16. The use permit shall be automatically revoked and terminated if not used within one year from the date of approval, or in the event the use permitted is abandoned or not utilized for a period of one year.**

Commissioner Schettino seconded the motion. The motion carried by the following vote:

AYES: Amaral, Darrow, Knitter, McAllister, Rowland, Schettino
NOES: None

USE PERMIT – POSSIBLE REVOCATION
PAULA RODRIGUEZ – 328 W. MINER STREET

The matter of the revocation of Use Permit number 3785 came before the Commission at its regularly scheduled meeting on Wednesday, October 17, 2007, and the Commission took evidence from City staff, the permit holder, and members of the public. Commissioners McAllister, Schettino and Darrow disclosed separate *de minimus ex parte* communications with witnesses and/or parties, and the City Attorney disclosed that the City Attorney would be advising the Planning Commission as well as having given advice to staff. Paula Rodriguez appeared and submitted the matter for decision by the Planning Commission without objection. Commissioner Knitter recused herself from participation in this matter to prevent a possible conflict of interest due to the fact she has ownership of property within 300 feet of the project location and left the room. From the evidence presented it appeared to the Commission that:

A Conditional Use Permit, number 3785, was issued to Paula Rodriguez on March 19, 2007; the owner of the property and Permit holder is Paula Rodriguez; notice has been given as required by YMC Section 16.44.050;

The evidence demonstrates that the conditions or terms of Conditional Use Permit number 3785 granted to Paula Rodriguez have been violated in that:

Permittee has permitted the consumption of alcohol on the premises by minors, a violation of condition 1 of the Permit.

Permittee, or Permittee's invitees to the premises, have created noise at the premises which exceeds the levels allowed by Yreka Municipal Code Section 9.28.010(3), a violation of condition 2 of the Permit.

Permittee's invitees to the premises have violated Yreka Municipal Code Section 9.48.170 (regulating skateboarding), resulting in complaints from businesses on Miner Street and creating sidewalk hazards on Miner Street, a violation of condition 3 of the Permit.

Permittee has allowed minors, for whom she is not the custodian or guardian, to be on the premises after midnight. Yreka Municipal Code Section 9.24.010, a violation of condition 5 of the Permit.

Permittee installed signs in violation of Yreka Municipal Code Section 17.04.080, a violation of Condition 5 of the Permit.

Permittee has installed signs on the premises without prior approval of the Planning Department per Yreka Municipal Code Sections 13.12.050 and 16.44.040, a violation of Condition 11 of the Permit.

In addition, sufficient evidence was given to the Commission that State and City ordinances have been violated in connection with the Conditional Use Permit number 3785 in that:

Permittee has permitted invitees to the premises to trespass onto the roof of neighboring buildings, resulting in complaints received by the City from the neighboring properties.

Permittee has permitted the consumption of alcohol by minors on the premises.

Permittee has allowed minors, for whom she is not the custodian or guardian, to be on the premises after midnight. Yreka Municipal Code Section 9.24.010.

Permittee has installed signs on the premises without prior approval of the Planning Department. Yreka Municipal Code Section 13.12.050; 16.44.040.

Permittee has installed signs which violate the City Sign Ordinance in that the window signage on the property takes up more than 20% of the window space (Yreka Municipal Code Section 13.16.020.A.2), and the banner sign stating "open for business" is a temporary sign promoting short-term retail sales and has been displaced for more than thirty (30) days in any one hundred and eighty day period (Yreka Municipal Code Section 13.16.020.D).

In addition, sufficient evidence was given to the Commission that the continuance of

Conditional Use Permit number 3785 will endanger the public health, safety or welfare, in that:

Permittee has permitted invitees to the premises to trespass onto the roof of neighboring buildings, resulting in complaints received by the City from the neighboring properties, which is a violation of state law and of the terms and conditions of Use Permit number 3785.

Permittee has permitted the consumption of alcohol by minors on the premises.

Permittee has allowed minors, for whom she is not the custodian or guardian, to be on the premises after midnight. Yreka Municipal Code Section 9.24.010.

Permittee has installed signage in violation of Yreka Municipal Code Sections 13.12.050, 13.16.020.A.2, 13.16.030.D, 16.44.040 and 17.04.080.

Following discussion, a motion to revoke the Permit was made by Commission Schettino. There being no second, the Chair declared the motion dead for lack of a second.

Following further discussion, a motion was made by Commissioner McAllister, seconded by Commissioner Rowland, that in lieu of immediate revocation the permit be extended on additional conditions effective immediately, for review and possible revocation on November 27, 2007. If these additional conditions are not complied with, or if additional complaints have been received by November 27, 2007, then on that date the Planning Commission may take action to revoke the permit. The additional conditions are: In addition to those previously established, the Permittee shall have no more incidents at the premises of the Permit; Permittee shall develop and submit a plan to show how she will address the safety of the invitees to the Teen Center/Arcade, including how she will provide chaperones and monitor public safety issues immediately outside of the building, that plan shall be submitted for Planning Commission review and approval by not later than November 5, 2007; Permittee shall take immediate steps to conform all signs to the Yreka Sign Ordinances; for the safety of patrons, Permittee shall not cause the window in the front of the building to be covered or blocked, unless the interior lighting poses a distraction to motorists and pedestrians; Permittee shall maintain lighting at the rear of the building from dusk to dawn; no alcohol shall be permitted on the premises; the hours of operation for the arcade are established as noon to 9:00 PM during summer months; the hours of operation of the Teen Center are established as Fridays from 7PM to 11:45 PM and Saturdays from 6PM to 11:45 PM . Permittee may have families present during regular hours of operation. The premises will be closed Sundays. No other hours of operation shall be allowed except upon approval of the Planning Commission; during the hours of operation Yreka Police Department shall have permission from Permittee to enter the premises and observe the activities on the premises. If no further complaints are made, other than those raised at the hearing on October 17, 2007, regarding the operation of the Teen Center the Planning Commission will consider making these conditions permanent on November 27, 2007.

Commissioner Amaral called the question; vote all ayes, none opposed. Commissioner Amaral declared the motion carried.

Commissioner Knitter returned to the Commissioner's table.

AUDIENCE STATEMENTS & COMMENTS

None.

APPROVAL OF THE MINUTES OF THE SEPTEMBER 19, 2007 MEETING

The Commission, having received a copy of the minutes of the regular meeting held September 19, 2007 approved the minutes as presented on a motion made by Commissioner Amaral and seconded by Commissioner Schettino.

MODIFICATION OF SIDEWALK POLICY

Staff reported that the Technical Committee reviewed the Sidewalk Policy regarding the westerly end of Jackson Street. It was the opinion of the Technical Committee that sidewalks should be exempt on the north side of Jackson Street from Chandler Way to 1000 Jackson Street, the north side of Jackson Street from 1000 Jackson Street and south side of Jackson Street from 1001 Jackson Street to the westerly terminus of Jackson Street should be exempt from the requirements of sidewalk due to the following facts:

- Sidewalk will be required on the south side of the street east from the easterly boundary of 1001 Jackson as development occurs.
- There is little likelihood that a completed sidewalk along the north side would ever be accomplished due to the nature of existing parcels.
- It is unlikely there will be further residential development on the north side of the roadway beyond the four parcels created by Marvin Parker.
- A portion of the westerly City limits ends at the terminus of Jackson Street.

It was the recommendation of the Technical Committee that the City of Yreka Sidewalk Policy be modified to include an exception to construction of sidewalk on the north side of Jackson Street from Chandler Way to 1000 Jackson Street, the north side of Jackson Street from 1000 Jackson Street and south side of Jackson Street from 1001 Jackson Street to the westerly terminus of Jackson Street.

Staff also recommended adding Richman Rd. and Taylor Avenue to Policy No. 5 as exempt to conform to past practice and the other Shasta Belle Annexation Streets.

Another area for consideration as exempt is the RA (Residential Agriculture) zoned property. Current practice has been to not require installation of sidewalk in the RA zoned property north of State Route 3. It currently is not listed as exempt from sidewalk construction. Street frontage on property zoned RA is required to be a minimum of 150 feet, in other zones it is 70 feet. Areas zoned RA were shown on the map included in the binder.

Following Commission discussion Commissioner Amaral made a motion to take no action on this agenda item at this time. Commissioner Schettino seconded the motion. The motion carried with the following vote:

AYES: Amaral, Darrow, Knitter, McAllister, Rowland, Schettino
NOES: None

COMMISSIONER'S STATEMENTS & COMMENTS

Staff reported the November meeting is scheduled for the night before Thanksgiving and asked if there would be a quorum. Due to anticipated lack of a quorum on November 21, 2007 a special meeting was scheduled for Tuesday, November 27, 2007 at 7:30 p.m.

There being no further business before the Commission, the meeting was adjourned at 10:15 p.m.

Pamela J. Hayden, Planning Director