

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD IN
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY
ON THE 20th DAY OF JANUARY 2010

On the 20th day of January, 2010 at 6:30 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 Chair Knitter and present were:

Commissioners: Deborah Baird
 Diane Knitter
 Mark McAllister
 Barry Ohlund
 Matt Osborn
 Richard Rolzinski

Absent: Steve Leal

**MITIGATED NEGATIVE DECLARATION
NORTH YREKA CREEK TRAIL PROJECT**

APPROVED

Pam Hayden, Planning Director and Karen Mallory, Project Manager (Shasta Valley Resource Conservation District) provided an overview of the proposed North Yreka Creek Trail Project. The proposed project implements improvements recommended in the Yreka Creek Greenway Master Plan including creation of a new trailhead and multi-purpose trail along a northern reach of Yreka Creek and improvements at the existing Greenway development at the Visitor's Center. The project also includes floodplain enhancement and habitat restoration along Yreka Creek in an effort to reduce impacts of flooding on downstream properties. The zoning designations on the project site are M-1 (Light Industrial), CT (Commercial Tourist), CH (Commercial Highway), and RSC (Recreation, School, Conservation, and Open Space). The General Plan designations are O (Open Space), LDR (Low Density Residential), MDR (Medium Density Residential), HDR (High Density Residential), GC (General Commercial), and I (Industrial).

One letter of comment was received prior to the Planning Commission meeting, that letter from the Department of Fish and Game was included in the Commissioner's packets and a draft Response to Comments for that letter was also included for review. If additional comments are received during the public hearing, the Planning Commission must defer its approval until the responses can be prepared.

Staff reported the Technical Committee recommended that the Planning Commission adopt and certify the Mitigated Negative Declaration and the Mitigation Monitoring Reporting Program for the North Yreka Creek Trail Project.

This being the time and date set for a public hearing for review of a Draft Mitigated Negative Declaration for the proposed North Yreka Creek Trail Project, Chair Knitter opened the public hearing to the audience.

Louise Gliato asked how the project would be funded, it was reported the project would be funded through grants and some matching funds from the City that would be provided by City staff time.

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

Following Commission discussion, Commissioner Ohlund made a motion to adopt and certify, as presented and recommended by Staff, the Mitigated Negative Declaration including the Response to Comments and the Mitigation Monitoring Reporting Program for the proposed North Yreka Creek Trail Project which implements improvements recommended in the Yreka Creek Greenway Master Plan including creation of a new trailhead and multi-purpose trail along a northern reach of Yreka Creek and improvements at the existing Greenway development at the Visitor’s Center. The project also includes floodplain enhancement and habitat restoration along Yreka Creek in an effort to reduce impacts of flooding on downstream properties. The zoning designations on the project site are M-1 (Light Industrial), CT (Commercial Tourist), CH (Commercial Highway), and RSC (Recreation, School, Conservation, and Open Space). The General Plan designations are O (Open Space), LDR (Low Density Residential), MDR (Medium Density Residential), HDR (High Density Residential), GC (General Commercial), and I (Industrial). The project is located on Assessor’s Parcel Numbers 053-591-390, 061-291-010, and 061-301-040, and the applicant is the City of Yreka.

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

AYES: Baird, Knitter, McAllister, Ohlund, Osborn, Rolzinski
NOES: None

USE PERMIT – MOBILE ESPRESSO SALES
DAVID FRASER & ALISA MCGAVRAN – 1301 S. MAIN ST. APPROVED

Commissioner Osborn recused himself from participating in this agenda item to prevent a possible conflict of interest due to having a financial relationship with the applicant and he left the room.

The Commission reviewed the application submitted by David Fraser and Alisa McGavran for a use permit to establish and operate a mobile coffee/espresso sales business 7 days a week with varying hours of operation in the parking lot of the property located at 1301 S. Main Street as designated on the site plan and as set forth in the application. This being the time and date set for a public hearing for an application for a use permit Chair Knitter opened the public hearing to the audience.

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

Staff also recommended that the Planning Commission make a determination that the project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061 (b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

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

Following Commission discussion, Commissioner Ohlund made a motion to approve the application for a use permit to establish and operate a mobile coffee/espresso sales business 7 days a week with varying hours of operation as designated on the site plan and as set forth in the application, in the parking lot of the property located at 1301 S. Main Street, Assessor's Parcel No. 62-011-040, CH zone, GC General Plan designation, with the determination that the project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061 (b)(3). The approval is based on Staff's and the Technical Committee's recommendations and is 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 mobile coffee/espresso sales business to be located at 1301 S. Main Street, Yreka, California:
 - a. will not 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 because at this time the building located on the parcel is not occupied to its full capacity and use of approximately 3 parking spaces of the 73 (approximately) space parking lot will not create a need for additional parking spaces.
 - b. will not 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 because there are existing commercial uses adjacent to the project site.
 - c. will not cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the customer vehicles will be located in the parking lot not on the street, and there is adequate street access to the existing parking lot.
 - d. will not adversely affect matters regarding police protection, crime prevention, and security.
 - e. will not adversely affect circulation or traffic patterns in the neighborhood or

constitute a nuisance for the reasons stated in (c) above.

2. The use is compatible with the policies and objectives of the zoning ordinance upon approval of this Permit.
3. The project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061 (b)(3) of the CEQA Guidelines in that it is not a project which has the potential for causing a significant effect on the environment.

CONDITIONS:

1. Permittee granted a permit to establish and operate a mobile coffee/espresso sales business 7 days a week with varying hours of operation in the parking lot of the property located at 1301 S. Main Street as designated on the site plan and as set forth in the application. The mobile unit is self contained. The restroom facilities of the building located at 1301 S. Main Street will be used for the espresso business employees. Approval is 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. The site plan submitted with the application and approved by the Planning Commission on January 20, 2010 shall not be deviated from without prior approval of the Planning Commission. No additional portable structures shall be built or placed, no open space, off-street parking facilities, public access areas, or landscaping shall be altered without the prior approval of the Planning Commission.
3. 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.
4. Permittee shall comply with Yreka Municipal Code (YMC) Title 13, Sign Ordinance. Signage attached to the mobile business facility shall be limited to 12 square feet as provided in YMC Section 13.16.020.A.5. Informational window signs are exempt pursuant to YMC Section 13.16.020.C. No free standing signs shall be permitted.
5. Permittee shall provide the city with verification of compliance with Siskiyou County Public Health Department requirements.
6. The mobile unit shall be totally self contained or shall be a permanent structure with permanent connection to all utilities, no hose or electrical connections permitted.
7. Restroom facilities of the building located at 1301 S. Main Street shall be available for use by the espresso business employees at all times the business is located on the project site.
8. Permittee shall secure an annual City business license to carry on the business of a mobile coffee/espresso sales business.

9. 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.

10. 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 Rolzinski seconded the motion. The motion carried by the following vote:

AYES: Baird, Knitter, McAllister, Ohlund, Rolzinski
NOES: None

Commissioner Osborn returned to the Commissioner's table.

**SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT – USE PERMIT
SHASTA VALLEY ASPHALT AND AGGREGATE PLANT EXPANSION OF
OPERATIONS
J.F. SHEA COMPANY, INC. BY JAMES E. MURRAY - 451 GRANITE COURT**

The posted agenda item No. 3 included the following items:

REVIEW/POSSIBLE ACTION - Resolution certifying the Supplemental Environmental Impact Report for the proposed expansion of operations of the Shasta Valley Asphalt and Aggregate Plant by modification of Use Permit #2858 allowing nighttime plant operations, production of rubberized asphalt concrete, and removal of non-disturbance area on west side of site. Assessor's Parcel No. 053-681-110, M-2 (Heavy Industrial) zone, I (Industrial) General Plan designation.

REVIEW/POSSIBLE ACTION - Resolution making Findings of Fact, Issuing a Statement of Overriding Consideration, and adopting a Mitigation Monitoring Program for the Shasta Valley Asphalt and Aggregate Plant modification of Use Permit #2858.

PUBLIC HEARING/POSSIBLE ACTION – Consideration of an application for a modification of Use Permit #2858 allowing nighttime plant operations, production of rubberized asphalt concrete, and removal of non-disturbance area on west side of site. Assessor's Parcel No. 053-681-110, M-2 (Heavy Industrial) zone, I (Industrial) General Plan designation.

The applicant, J.F. Shea Company, Inc. by James E. Murray, requested that this agenda item be continued to the February 17, 2010 meeting of the Planning Commission because they would not be able to attend the January meeting.

The public hearing for the Use Permit had already been published therefore; public comment will be accepted at this meeting.

Staff reported that the Technical Committee previously commented on the Supplemental Environmental Impact Report and made no further comment on it or the proposed Findings of Fact, Issuing a Statement of Overriding Consideration, and adopting a Mitigation Monitoring Program. Providing the Planning Commission approves the environmental documents they recommended approval of the Use Permit modification subject to the conditions presented.

This being the time and date set for a public hearing for comment on the modification of Use Permit #2858 allowing nighttime plant operations, production of rubberized asphalt concrete, and removal of non-disturbance area on west side of site, Assessor's Parcel No. 053-681-110, M-2 (Heavy Industrial) zone, I (Industrial) General Plan designation Chair Knitter opened the public hearing to the audience.

The following are comments in opposition:

Louise Gliatto, 1003 Limestone Court, opposed to night time operation, concern for air quality.

John Richter, 1018 Quarry Court, opposed due to traffic noise concerns and potential odors.

Lisa Budesilich, 1020 N. Foothill Drive, opposed due to concerns about odors.

Macy Smith, 1102 Foothill Drive, presented pictures of the asphalt batch plant site taken before and after the plant was in operation and requested that they be included in the record and for the Planning Commission to review. She reiterated her concerns stated in the letter presented in December and in a letter dated January 20, 2010 including black gunk in her swimming pool, noise, devaluation of property values, proximity to Siskiyou Distributing.

Jo Ann Smith, 1107 Foothill Drive, questioned how many tires would be stored or used and how much dust would be in the air when tires are ground up in a letter addressing this concern.

Shannon Salvestro, 854 Montague Road, gave a history of the existing batch plant approval; she asked who monitors the air quality?

Andy Jura, 1089 Foothill Drive, expressed opposition, he stated that Foothill Drive is a dangerous road; he stated that the project would have a detrimental economic impact, and has concern for the atmosphere.

June Salvestro of Limestone Circle, stated she voiced the same concerns in opposition.

There being no further comments from the public, Commissioner Baird made a motion to continue the hearing and the agenda item (Number 3) to the meeting of February 17, 2010 at the request of the applicant.

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

AYES: Baird, Knitter, McAllister, Ohlund, Osborn, Rolzinski
NOES: None

PUBLIC COMMENTS

None.

APPROVAL OF THE MINUTES OF THE DECEMBER 16, 2009 MEETING

The Commission, having received a copy of the minutes of the regular meeting held December 16, 2009, approved the minutes on a motion made by Commissioner McAllister and seconded by Commissioner Ohlund.

USE PERMIT EXTENSION – OFFICE AND WAREHOUSE USE

KEN BARNES – 1829-1833 S OREGON ST

APPROVED

Commissioner Baird recused herself from participating in this agenda item to prevent a possible conflict of interest due to having a financial relationship with the applicant and she left the room.

The Commission reviewed the application submitted by Ken Barnes for an extension to Use Permit #3768 to construct one 5,400 sq. ft. building, establish and operate a warehouse, storage, and office use; and construction of one 3,000 sq. ft. building, establish and operate professional offices. Construction and operation of these buildings will complete the Yreka Business Park on the property located at 1829-1833 S. Oregon Street.

Staff reported the Technical Committee recommended approval of a one year extension subject to the Findings and Conditions previously approved with the modification of Condition #9 as follows:

~~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.~~

Permittee shall submit storm water drainage plan for Building Official/Director of Public Works approval prior to grading and/or building permit issuance. Onsite storm water detention is required.

The project was previously approved with the determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

Following Commission discussion, Commissioner Rolzinski made a motion to approve the application for a one year extension of Use Permit #3768 to construct one 5,400 sq. ft.

building, establish and operate a warehouse, storage, and office use; and construction of one 3,000 sq. ft. building, establish and operate professional offices. Construction and operation of these buildings will complete the Yreka Business Park on the property located at 1829-1833 S. Oregon Street, Assessor's Parcel No. 62-041-400, M-1 zone, I, General Plan designation. Approval is subject to the Findings and Conditions of Approval previously approved on December 20, 2006 with the modification of Condition #9 as follows:

~~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.~~

Permittee shall submit storm water drainage plan for Building Official/Director of Public Works approval prior to grading and/or building permit issuance. Onsite storm water detention is required.

The approval is with the determination that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the CEQA Guidelines.

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

AYES: Knitter, McAllister, Ohlund, Osborn, Rolzinski
NOES: None

Commissioner Baird returned to the Commissioner's table.

**SALES FROM VEHICLES, TRAILERS, OR MOBILE UNITS
CITY WIDE**

The Technical Committee recommended that the Planning Commission consider modification of Yreka Municipal Code Section 16.46.080.A.2 allowing sales of food, beverage and merchandise from vehicles, trailers or mobile units in any district without a use permit for a period in excess of ~~one~~ two hours in any twenty-four-hour period, and scheduling public hearing for that purpose.

Following Planning Commission discussion Commissioner Rolzinski made a motion requesting that staff set a public hearing for possible modification of Yreka Municipal Code Section 16.46.080.A.2 allowing sales of food, beverage and merchandise from vehicles, trailers or mobile units in any district without a use permit for a period in excess of ~~one~~ two hours in any twenty-four-hour period.

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

AYES: Baird, Knitter, McAllister, Ohlund, Osborn, Rolzinski
NOES: None

ELECTION OF OFFICERS

Chair Knitter relinquished the role of Chair to the City Attorney, Mary Frances McHugh, and she assumed the position of Chair for election of officers and opened the nominations for Chair.

Commissioners Ohlund and Knitter were nominated for Chair, Commissioner McAllister made a motion to close the nominations. Commissioner Knitter seconded the motion, all voting aye the motion carried. On a voice count, Commissioner Ohlund received one vote and Commissioner Knitter received five votes, Commissioner Knitter was elected to serve as Chair.

City Attorney McHugh opened the nominations for Vice Chair. Commissioner Baird was nominated for Vice Chair, there being no further nominations for Vice Chair, Commissioner Ohlund made a motion to closed nominations, Commissioner Knitter seconded the motion, all voting aye the motion carried.

There being no contest, City Attorney McHugh declared the election of Debbie Baird for Vice Chair by acclamation.

The Chair was relinquished back to Chair Knitter.

COMMISSIONER'S STATEMENTS & COMMENTS

Commissioners asked about the status of miscellaneous projects. Staff gave updates.

City Attorney, McHugh, cautioned the Commissioners regarding discussion of projects outside of the Planning Commission meeting.

There being no further business before the Commission, the meeting was adjourned at 8:00 p.m.

Pamela J. Hayden, Planning Director