

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 JULY 2011

On the 20th day of July, 2011 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 Baird and present were:

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

Absent: None

USE PERMIT – CONSIGNMENT STORE
BILL PAYTON – 321 S. BROADWAY STREET **APPROVED**

The Commission reviewed the application submitted by Bill Payton for a conditional use permit to establish and operate the business of a consignment store selling new and used items in the store and on the internet; plus the business of small clock repair on the property located at 321 S. Broadway Street, Assessor’s Parcel No. 054-182-140, C2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation.

This being the time and date set for a public hearing on an application for a use permit to establish and operate a consignment store on the property located at 321 S. Broadway Street, Chair Baird opened the hearing to the public.

Staff recommended approval subject to the conditions presented with the following additional conditions:

1. Permittee shall remove and replace the existing steel plate in the sidewalk and replace the existing sidewalk drain with an Under Sidewalk Drain in compliance with Public Works standards. Encroachment Permit from Public Works is required prior to commencing work.

2. Permittee shall repair the electrical box on the west side of the building as required by the Building Code and Building Official.

Staff also recommended that the Planning Commission make a determination that the

project is 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.

Staff reported that the Staff Development Review Committee recommended the sidewalk drain outside the business be addressed. One way of addressing it was to make the following finding and the above recommended conditions.

The existing sidewalk drain is a trip hazard that exists on the public sidewalk immediately adjacent to the subject business, which is a matter of public safety, and the Planning Commission finds the condition of approval of reinstatement of an appropriate sidewalk drain is necessary as a matter of public safety to eliminate a trip hazard on the public sidewalk and that this is an "essential nexus" to the problem being corrected, and there is a reasonable relationship ("rough proportionality") between the degree of the requirement and the impact caused by the project.

Bill Payton, Applicant, expressed concern regarding cost to do the repair.

Jim Welch questioned the need for the proposed improvement. He asked how it was different from the water meters in the sidewalk, what about the other drains in the sidewalk, including two on the other side of this building, and why is this an issue now?

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

City Attorney McHugh explained that a Use Permit request is an opportunity to require improvements needed, such as the sidewalk repair.

Staff recommended that the property owner be allowed to enter into a deferral agreement providing time to complete the sidewalk improvement and allow the applicant to begin his business prior to construction of the sidewalk drain improvement.

Following Commission discussion, Commissioner Leal made a motion to approve the application for a conditional use permit to establish and operate the business of a consignment store selling new and used items in the store and on the internet; plus the business of small clock repair on the property located at 321 S. Broadway Street, Assessor's Parcel No. 054-182-140, C2 (Downtown Commercial) zone, GC (General Commercial) General Plan designation subject to the following additional conditions:

1. Permittee shall remove and replace the existing steel plate in the sidewalk and replace the existing sidewalk drain with an Under Sidewalk Drain in compliance with Public Works standards. Encroachment Permit from Public Works is required prior to commencing work.

2. Permittee shall repair the electrical box on the west side of the building as required by the Building Code and Building Official.
3. Modify Condition Number 6 to authorize the property owner to enter into a deferral agreement providing six months to complete the sidewalk improvement and allow the applicant to begin his business prior to construction of the sidewalk drain improvement.

With the following additional finding:

The existing sidewalk drain is a trip hazard that exists on the public sidewalk immediately adjacent to the subject business, which is a matter of public safety, and the Planning Commission finds the condition of approval of reinstallation of an appropriate sidewalk drain is necessary as a matter of public safety to eliminate a trip hazard on the public sidewalk and that this is an "essential nexus" to the problem being corrected, and there is a reasonable relationship ("rough proportionality") between the degree of the requirement and the impact caused by the project.

Project approval is with the determination that the project is 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.

The project approval was based on Staff's recommendation 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 the business of a consignment store selling new and used items; plus the business of small clock repair, 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 because the use is located in an area where there are other commercial and retail sales uses.
 - 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 for the reason stated above.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there are two City parking lots located within three blocks in addition to street parking that are adequate to accommodate the proposed use.
 - 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 because the building currently exists in the commercial zone, the proposed use will not alter traffic on the existing streets.
2. The use is compatible with the policies and objectives of the zoning ordinance by obtaining a Use Permit approval.
3. The project is 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.
4. The existing sidewalk drain is a trip hazard that exists on the public sidewalk immediately adjacent to the subject business, which is a matter of public safety, and the Planning Commission finds the condition of approval of reinstallation an appropriate sidewalk drain is necessary as a matter of public safety to eliminate a trip hazard on the public sidewalk and that this is an "essential nexus" to the problem being corrected, and there is a reasonable relationship ("rough proportionality") between the degree of the requirement and the impact caused by the project.

CONDITIONS:

1. Permittee granted a permit to establish and operate of the business of a consignment store selling new and used items; plus the business of small clock repair 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. There shall be no storage or display of merchandise outside the building.
3. This permit shall not be effective unless and until applicant has obtained the necessary permits through the State Department of Justice and Yreka Police Department pursuant to the Business and Professions Code Section 21640 if required.
4. The business will go into an existing facility in the C2 (Downtown Commercial) zone and can be served by existing municipal parking facilities.
5. Permittee shall comply at all times with the zoning district regulations for a C2 zone as set forth in section 16.38 of the Yreka Municipal Code.
6. Permittee shall remove and replace the existing steel plate in the sidewalk and replace the existing sidewalk drain with an Under Sidewalk Drain in compliance with Public Works standards. Encroachment Permit from Public Works is required prior to commencing work. The property owner may enter into a deferral agreement authorizing six

months to complete the sidewalk improvement, thereby, allowing the applicant to begin his business prior to construction of the sidewalk drain improvement.

7. Permittee shall repair the electrical box on the west side of the building as required by the Building Code and Building Official.

8. Permittee shall secure a Certificate of Occupancy and approval of the Building Official and Fire Marshal that structure meets building standards and fire regulations of the California Title 24 Codes prior to use of property for the sale of used merchandise.

9. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to making any building, electrical, mechanical, or plumbing installations and/or improvements.

10. No signs shall be placed on the premises without prior approval of the Planning Department.

11. Permittee shall secure annual City business licenses to carry on the sale of used merchandise.

12. 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.

13. The use permit shall expire and terminate if not used within one (1) year from the date of approval, unless prior to the expiration of one year, a building permit is issued and construction is commenced or in the event the use permitted is abandoned or not utilized for a period of one year. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

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

AYES: Baird, Knitter, Leal, McAllister, Ohlund, Osborn, Rolzinski

NOES: None

PUBLIC COMMENTS

Bill Payton, 3838 Liberty Lane, Montague, stated that 321 S. Broadway Street is a busy area and was concerned regarding closing the sidewalk for the repairs required in the application just approved.

Jan Osborn, 1027 North Street, Yreka, spoke in opposition to a modification of the current

ordinance that prohibits fowl and provided lists of individuals also opposed to allowing chickens in the City limits. Concerns included safety of eating the eggs.

Al Kennedy, 1111 North Street, Yreka, spoke in opposition to allowing chickens to be raised in the City limits. His concerns included enforcement, odors, increased predators, disease, and owners who would not take care of them properly.

Sandy Johnson, 810 Laurel Ct., Yreka, likes chickens but not in the City, opposes chickens in the City.

Rajiv Hotek, Blake Street, Yreka, suggested that chickens be allowed for a year or two and revisit to see if they had been a problem, it is also an issue as to how to kill them when it is time.

APPROVAL OF THE MINUTES OF THE JUNE 15, 2011 MEETING

The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held June 15, 2011, approved the minutes unanimously on a motion made by Commissioner Knitter and seconded by Commissioner Osborn.

USE PERMIT EXTENSION

RALPH RAMEY FOR SISKIYOU PETROLEUM – 431 N. FOOTHILL APPROVED

The Commission reviewed the application submitted by Ralph Ramey for Siskiyou Petroleum Co. Inc. for an extension of Temporary Use Permit No. 3226 for the temporary installation of an 8' x 10' temporary structure to house monitoring equipment for ground water clean-up for the property located at 431 N. Foothill Drive, Assessor's Parcel No. 053-601-040, M-1 (Light Industrial) zone, I (Industrial) General Plan designation.

Staff recommended approval of a one year extension subject to the previously approved conditions.

This project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Following Commission discussion, Commissioner McAllister made a motion to approve the application for an extension of Temporary Use Permit #3226 for the temporary installation of an 8 ft. x 10 ft. temporary structure to house monitoring equipment for ground water clean-up on the property located at 431 N. Foothill Drive, Assessor's Parcel No. 53-601-040, M-1 zone, I general Plan designation. Approval based on the Technical Committee's recommendations and subject to full compliance with all applicable city, state, and federal laws and regulations and the findings and conditions as approved on June 19, 2002.

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

AYES: Baird, Knitter, Leal, McAllister, Ohlund, Osborn, Rolzinski

NOES: None

HENS WITHIN CITY LIMITS

CITY WIDE

NO CHANGE TO ORDINANCE

City Attorney McHugh reported to the Commission that this item before the Commission is a legislative action not adjudicatory. She suggested that each Commissioner report on their off-site investigation and contact regarding this agenda item. Each Commissioner reported on contacts they received/made and research they did. Most Commissioners talked with people on both sides of the issue and did their own internet research in addition to reviewing the information provided by staff.

The Commission reviewed the data provided by staff and considered possible direction to staff to develop an ordinance allowing hens within the City limits.

Staff expressed concern that there is no feasible method of enforcement. If hens are allowed: should they be allowed by right or by permit; should the lot size be regulated; what should the setback be for a pen to contain the hens?

Additional correspondence was received after the last Planning Commission meeting, that correspondence and the previous correspondence and information was provided to the Commission as follows:

- E-mail received from Gloria Smith July 13, 2011 in opposition to allowing Yreka residents to keep chickens in city limits
- Letter dated July 11, 2011 to Planning Commission from Jan Osborn with signatures of community members opposed to permitting backyard chickens
- Letter dated July 11, 2011 to Planning Commission from Jan Osborn with the stated six attachments
- Letter dated July 5, 2011 to City Officials from Jim Caldwell (response was sent by City Manager)
- Information read by Heidi Jankowski at Planning Commission Meeting June 15, 2011
- Letter dated June 8, 2011 to the Planning Commission from Jan Osborn
- City Attorney Memorandum to the Yreka City Technical Committee, meeting date June 8, 2011
- Yreka City Council Agenda Memorandum to City Council, meeting date April 21, 2011
- Residential Urban Chicken Keeping: An examination of 25 Cities, dated May 7, 2008
- City of Nevada City Memorandum to Planning Commissioners, dated February 14, 2011
- City of Grass Valley Agenda Action Sheet, dated January 25, 2011
- Web Inquiry dated April 22, 2011

Chair Baird allowed public comment on the matter before the Commission.

Rachel Jereb, Holly Baun, and Heidi Jankowski all spoke in favor of allowing hens within the City limits. Their comments included: noise from hens is about as much as two people talking, personal doctor had no health concerns for children as it relates to hens and eggs, chicken waste can be composted, no evidence of property value loss for property adjacent to hens, possibly start program with a sunset clause, possibly charge a one-time animal control fee, in a chicken survey completed of 23 cities most cities were satisfied and had no problem with chickens, predators are already in the City.

Jan Osborn spoke again in opposition to allowing hens within the City limits. Comments in opposition included: health concerns – store bought eggs are safer than backyard chicken eggs, dioxin levels is a concern, chicken waste disposal, noise, sunset clause would be a waste of time and very hard to rescind politically.

Public comment was closed.

Commissioners discussed whether or not to pursue an action to allow chickens/hens within the City limits. Each expressed understanding for those wanting to raise the hens, concern for those not wanting them as neighbors, and concern for cost of administration and enforcement.

Following Commission discussion Commissioner McAllister made a motion to recommend to City Council that the existing Yreka Municipal Code section 8.04, specifically as it relates to fowl, should not be modified.

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

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

COMMISSIONER’S STATEMENTS & COMMENTS

Commissioners reported Things for Your Head has closed, Edward Jones relocated from Miner Street to Ranch Lane, the movie theater is in threat of closing, and the bowling alley closed. New restaurant (Strings) has opened with great reviews. New pizza parlor (Pizza Factory) opened also with great reviews.

City Attorney McHugh provided an informational packet for review prior to the August meeting relating to an ordinance regulating Medicinal Marijuana dispensaries.

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

Pamela J. Hayden, Planning Director