

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD
ON THE 19th DAY OF MAY 2021

On the 19TH day of May 2021 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 Ohlund.

Commissioners: Peter O'Brien, Barry Ohlund, Matt Osborn, and Richard Rolzinski.

Absent: Catherine Gilbert

Conflict of Interest Declaration – None

PUBLIC COMMENTS – None

Discussion/Possible Action – Proposed Amendment to Yreka Municipal Code 16.46.050
Fencing, Walls, Hedges and Screen planting:

Deputy Planning Director Liz Casson presented the commissioners with the following background. The Planning Commission reviewed proposed amendments at its regular meetings held February and March of 2019, the matter was later sent out to the City Council hoping that they would provide some direction to the commission. With the invasion of COVID and the Zoom meeting process, this matter was put on hold, until we could once again have in person meetings.

We were advised by our consultants that there really is no perfect way to address existing non-conforming fencing unless it obstructs view from an intersection or is in disrepair posing a health and safety issue. This proposed amendment grandfathered in existing fences and moves forward to future fences.

This proposal allows the Planning Commission authority to grant approval by way of a Conditional Use Permit to:

1. Reconstruct non-conforming fences that are damaged or destroyed to an extent of less than 30%,
2. Approve fences within the front yard setback in the M-1 Light Industrial Zone up to six feet (6').
3. Approve increase in fence heights on corner lots contingent upon the approval of the Director of Public Works and the Chief of Police that no safety hazard is created by the greater height. The conditions of approval would be specific to the site location and visibility zones.

The proposed amendment would allow by right (without Planning Commission approval) fences in the M-2 Heavy Industrial Zone up to six (6) feet in height within the front yard setbacks. Fences on a corner lot in the M-2 Zone would be allowed a fence height up to six (6) feet within a portion of the front yard setback, provided said fence is at least ten (10) feet back from the front property line, maintaining a clear vision area to adjoining streets.

This proposed amendment also:

- Distinguishes fences within the Historic District requiring fences to follow the additional rules and regulations of the Historic District, which requires a separate permit.
- Exempts Schools and other Government facilities from the height restriction.
- And adds a requirement for Maintenance.

City staff recommends that the Planning Commission review and discuss the proposed amendment and provide staff direction as to whether to proceed with the proposed amendment, suggest additional changes, or do nothing, leaving the existing code section as it stands.

Public Hearing – This being the time and date set for the public hearing. Chair Ohlund opened the hearing to the audience.

There being no statements or comments received, Chair Ohlund closed the public hearing and discussion was opened to the Commission.

Commissioner Osborn moved to adopt Planning Commission Resolution No. 2021-5 recommending the City Council adopt an Ordinance to amend Yreka Municipal Code Section 16.46.050 and finding the adoption of the ordinance to be exempt from CEQA.

Proposed amendment to YMC - Additions in bold and deletions have strikethrough:

16.46.050 - Fencing, walls, hedges and screen planting.

- A. **Unless specifically addressed in this chapter**, no fence, wall, hedge or screen planting of any kind shall hereafter be constructed or grown to exceed four (4) feet in height within the area encompassed by the front yard setback as detailed in the zoning code. Nor shall the same exceed six (6) feet in height within the area encompassed by the rear yard setback or the side yard setback to the front yard setback line, ~~Fences constructed within the exterior side yard setback shall not exceed four (4) feet in height.~~

Fence height shall normally be measured from the natural ground level provided however, an alternate measurement may be authorized by the Building Official if special circumstances exist relating to the property.

Non-conforming Fences existing prior to the adoption of this Ordinance, ~~that are deemed by the City to be in safe and good condition~~, are exempt from these provisions until they require replacement, at which time they shall be required to conform with the provisions of this ordinance.

If a non-conforming fence is damaged or destroyed to an extent of less than 30%, the owner may apply to the Planning Commission for a Minor Conditional Use Permit to replace the damaged portion, subject to the following findings and conditions:

- 1. Approval will not result in obstruction of sight distance so as to create or increase any traffic safety hazard.*
- 2. Fence constructed of material such as chain link or wire mesh, within the front yard setback, shall be maintained clear of all debris, weeds or other vegetation. Landscape plants and grass must be maintained so as to NOT touch or grow through fence.*
- 3. The fence height will not significantly visually obstruct or reduce the openness of the street scene comprised of front yards in the neighborhood.*
- 4. Non-conforming fencing that is removed, or replaced, may NOT be reconstructed. New fencing must conform to the current regulations.*
- 5. A violation of any of these conditions may result in revocation of the Permit.*

B. Security Fencing - Industrial and Commercial Zones:

- 1. In M-1, M-2, CH and CT zones an additional two (2) feet above the six (6) foot height limit is permitted for the purpose of wire security fencing. (This does not apply to the front yard setback area.)*
- 2. Fences within the front yard setback in the M-1 Light Industrial Zone: Fences in the front yard setback in the M-1 Light Industrial Zone may be allowed to up to six (6) feet in height, upon obtaining a Conditional Use Permit from the Planning Commission.*
- 3. Fences within front yard setback in the M-2 Heavy Industrial Zone: Fences in the front yard setback in the M-2 Heavy Industrial Zone are allowed up to six (6) feet in height. Corner properties Zoned M-2 Heavy Industrial Zone may have a fence up to six (6) feet within a portion of the front yard setback, provided said fence is at least ten (10) feet back from the front property line, maintaining a clear vision area to adjoining streets.*

BC. Corner Lots: Notwithstanding the foregoing, as to any corner lot, no such fence, hedge or screen planting shall exceed three (3) feet in height within thirty-five (35) feet from the property corner adjacent to the intersecting streets. ~~unless~~ The owner of such property obtains ~~may apply for a non-administrative permit~~ **Minor Conditional Use Permit** for a greater height by a showing that no hazard exists to vehicular or pedestrian traffic. Such ~~administrative~~ **Conditional Use** Permit may be granted by the **Planning Commission** provided all provisions of this code are otherwise satisfied and ~~Chief Engineer of the Fire Department, the Director of Public Works, and the Chief of Police concur that no safety hazard is created by the greater height. In the event the Planning Director~~ **Planning Commission** denies the application, the applicant may file the application ~~an appeal~~ with the ~~Planning Commission~~ **City Council**, which may grant the permit if it determines no safety hazard is created by the greater height. *in accordance with Yreka Municipal Code Section 16.14.030.*

- ~~CD.~~ Decorative columns, post caps or similar features not more than one foot in height may be added on top of fences or walls. ~~which adjoin a street or public walkway, or those fences or walls which the city planner determines to be physically detached from an adjoining residential property.~~ Such features would **should** typically not be less than eight (8) feet apart, and must be consistent with the design and materials of the fence or wall.
- ~~DE.~~ Fences or walls in the side or rear yards may not exceed six (6) feet in height, except to allow up to two (2) feet of lattice and framing that is at least fifty (50) percent open to the passage of light and air when viewed horizontally. ***(This does not apply to the front yard setback area.)***
- F. Historic District: Fences within the Historic District must meet the requirements of the Historic District; a separate Historic District Permit is required. Wire or chainlike fences are prohibited. Construction material shall be predominantly wood with a very few wrought iron picket posts. See Historic District rules and regulations for specific details.***
- G. Schools and other Government owned property shall be exempt from the fence height restriction in the front yard setback.***
- H. Maintenance. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.***
- I. In no instance shall a fence extend beyond the property line.***

Commissioner O'Brien seconded the motion, and upon roll call, the following voted.
YEA: O'Brien, Ohlund, Osborn and Rolzinski.

Chair Ohlund thereupon declared the motion carried.

Discussion/Possible Action – Proposed Amendment to Yreka Municipal Code 16.46.080 Sales from Vehicles, Trailers, or Mobile Units.

Deputy Planning Director Liz Casson presented the commissioners with the following background. This proposed amendment will align the Yreka Municipal Code (YMC) with our current practice, which significantly increases the time allowed by a “daily vendor” from 2 hours to 8 hours within a 24-hour period.

This proposed amendment also expands on the regulations, allowing vendors to sell from improved (paved) property, with an approved parking plan, but is silent on vacant lots. City staff has received requests to allow food vendors on unimproved lots (dirt lots), however, most sites are prohibited because the Health Department requires food vendors to have access within 200’ to an approved and readily available restroom and handwashing facilities.

In preparing this proposed amendment, staff is looking for direction from the Planning Commission on the following questions:

1. Should we allow vendors to use improved lots (shared access to restroom and handwashing facilities) with unimproved parking areas such as a lot on 4-H way. If yes, should we require gravel or some type of improvement?

2. Should vendors be allowed on unimproved (dirt) vacant lots such as the property on Montague Road.
3. Should we limit the use to the Commercial Districts? With exception given to Schools and recreational areas. It is quite possible that the purpose of allowing sales in any district was to allow mobile services such as “the Ice Cream Truck ☺” in residential areas.
4. Historic District - Not sure if there are any suitable areas within the district. You may recall that the former Manager of the Rex Club addressed the Planning Commission to allow the permanent location of a food truck in the adjacent parking lot (corner of Miner and Main Streets), however, they never submitted an application.
5. Since the use of a sidewalk, first requires that the width of the sidewalk be wide enough to allow for the safe passage under the Americans with Disabilities Act (ADA) requirements (5' is the current requirement for new sidewalks) we are recommending that we add the following to the YMC, sending all requests directly to the City Council.

“Sales on public sidewalks for times other than city sanctioned celebrations or promotions may be approved by a Resolution of the City Council, provided the sidewalk area is in excess of 10' wide and the use will not interfere with the required ADA pedestrian passage or impose unreasonable burden on the nearby properties, businesses, or occupants. Said approval will be subject to any additional rules and regulations as may be deemed necessary by the City Council for each specific request.”

Recommendation and Requested Action:

That the Planning Commission review the proposed amendment, give direction to staff with any amendments or additions the Planning Commission may recommend and/or request that the City Council adopt an Ordinance to amend Yreka Municipal Code Section 16.46.080 as presented.

Public Hearing – This being the time and date set for the public hearing. Chair Ohlund opened the hearing to the audience.

There being no statements or comments received, Chair Ohlund closed the public hearing and discussion was opened to the Commission.

Commissioner Osborn moved to adopt Planning Commission Resolution No. 2021-6 recommending the City Council adopt an Ordinance to amend Yreka Municipal Code Section 16.46.080 and finding the adoption of the ordinance to be exempt from CEQA.

Option for amendment to Code regulating sales from vehicles, trailers or mobile units – **additions in bold Italic and deletions have strikethrough:**

16.46.080 - Sales from vehicles, trailers or mobile units, on private or on public property.

- (a) Sales of food, beverages and merchandise from vehicles, trailers or mobile units shall be permitted on private property in any district without a use conditional permit provided such business is conducted in the following manner:
- (1) Such vehicles, trailers or mobile units shall be parked upon private property with the *written* consent of the property owner.
 - (2) **The visitors, guests or business patrons of vendors who jointly co-occupy the same private off-street parking lot with any other existing businesses, are prohibited from utilizing the off-street parking spaces required by this Code or city permit for that other business. Vendors must provide a parking plan, approved by the property owner, and subject to the city's express consent, depicting paved parking for not less than three motor vehicles, in addition to the parking required of other operating businesses which share the same parking area.**
 - (3) **Prior to any business operation vendor shall apply for, pay all necessary fees and obtain a business license for each day of the operation of such business, subject to the terms of Title 5 Business Regulations and Licenses of the Yreka municipal Code, and the terms of the Siskiyou County Health Department.**
 - (4) No such vehicle, trailer or mobile unit shall remain upon any such private property for a period in excess of ~~two~~ ***eight (8)*** hours in any twenty-four-hour period. ~~unless a conditional use permit is first obtained.~~
 - (5) Any person desiring to conduct a business for the sale of food, beverages or merchandise from a vehicle, trailer or mobile unit on private property in excess of ~~two~~ ***Eight (8)*** hours in any twenty-four-hour period, ***are required to apply for, pay all necessary fees and obtain from the City Council an extension of time for special events. The City Council, may by Resolution, or motion, grant an extension of time for daily business operations which exceed more than eight hours in length for a specific date or dates.*** ~~shall obtain a conditional use permit therefor in accordance with the provisions of Chapter 16.44 of this title. The planning commission may deny such application for a conditional use permit if the proposed use creates a traffic or safety problem or is detrimental to the health, safety, peace, morals, comfort, and general welfare of the city or its residents.~~
 - (6) ***Any person desiring to obtain a permit to sell from a permanent location exceeding 8-hours on a regular basis must apply for, pay all necessary fees and obtain a conditional use permit from the Planning Commission in accordance the zoning regulations and the provisions of Municipal Code Chapter 16.44.***
 - (7) ***The City Council, has the authority to adopt by Resolution or Ordinance such further rules and regulations governing sales from vehicles, trailers or mobile units, on private or on public property as it may deem, from time to time, necessary or appropriate in the City Council's discretion.***

- (b) Sales on City public streets or property ~~shall not require a conditional use permit pursuant to this section~~ at city sanctioned celebrations or promotions; may be approved by a Resolution of the City Council. ~~provided, however,~~ Any such sales shall be conducted at such locations and in such time and manner as may be ~~directed~~ **authorized in writing** by the City Manager, Chief of Police or the Director of Public Works.

(1) Sales on the City's public sidewalks during periods other than city sanctioned celebrations or promotions may, in the City's discretion, be approved by a Resolution of the City Council, provided the sidewalk area is in excess of ten feet (10) wide. Any such authorized sales, use shall be conducted in such a manner that it will not interfere with the mandates of the American Disabilities Act relating to pedestrian passage nor impose an unreasonable burden on the nearby properties, businesses, or occupants. Said approval will be subject to any additional rules and regulations as may be deemed necessary by the City Council for each specific request.

Commissioner Rolzinski seconded the motion, and upon roll call, the following voted.
YEA: O'Brien, Ohlund, Osborn and Rolzinski.

Chair Ohlund thereupon declared the motion carried.

Discussion/Possible Action - Approval of Minutes of the regular meeting held May 19, 2021.

Commissioner Rolzinski moved to approve the Minutes of the regular meeting held May 19, 2021.

Commissioner Osborn seconded the motion, and upon roll call, the following voted.
YEA: O'Brien, Ohlund, Osborn and Rolzinski.

Chair Ohlund thereupon declared the motion carried.

City Manager Report – Steve Baker reported that the city has received an application for a 50-unit garden style multifamily complex designed for special needs and the general low-income population. The 13.9-acre parcel is currently vacant and located at 510 N. Foothill Drive. City has also received an application for a proposed Arby's Restaurant at 1813 Fort Jones Road and an application for a proposed Refresh Truck Stop at 717 – 747 Montague Road.

City staff is currently working on the city's budget.

Steve Baker gave a brief update on the Yreka Rehab Project/Caltrans District 2 that is projected to start in 2022 to rehabilitate the existing pavement to current design standards, increase the service life of the roadway & other improvements. The City's Public Works Department will be replacing waterline & sewer lines along Main Street & State Hwy 3 before the start of this rehab project.

There being no further business before the Commission, the meeting was adjourned.



Barry Ohlund, Chair

Approved by motion of the Planning
Commission on June 16, 2021