

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 AUGUST, 2011

On the 17th day of August, 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

SIGN USE PERMIT – POLE SIGN
MCHALE SIGNS for MINERS INN BEST WESTERN – 122 E MINER APPROVED

The Commission reviewed the application submitted by Pat Corey for McHale Sign Co. for a Sign Use Permit to remove existing 12 ft. x 12 ft. (144 sq. ft.) empty sign cabinet; relocate existing double sided 12 ft. 8 in. x 9 ft. 9 in. (123.5 sq. ft. per side) Best Western sign cabinet to the vacant pole, the sign will be 65 feet high; and remove old Best Western pole to grade on the property located at 122 E. Miner Street. Two signs located on the freeway pole sign have been removed (Denny’s and Best Western). Assessor’s Parcel No. 053-261-410, CT (Commercial Tourist) zone, GC (General Commercial) General Plan land use designation.

This being the time and date set for a public hearing on an application for a sign use permit to remove an empty sign cabinet and relocate the existing double sided 123.5 sq. ft. per side pole sign to that pole as stated above, on the property located at 122 E. Miner Street, Chair Baird opened the hearing to the public.

Staff recommended approval subject to the conditions presented.

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 15311(a) (on-premise signs) of the CEQA Guidelines.

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 Sign Use Permit to remove existing 12 ft. x 12 ft. (144 sq. ft.) empty sign cabinet; relocate existing double sided 12 ft. 8 in. x 9 ft. 9 in. (123.5 sq. ft. per side) Best Western sign cabinet to the vacant pole, the sign will be 65 feet high; and remove old Best Western pole to grade on the property located at 122 E. Miner Street, Assessor's Parcel No. 053-261-410, CT (Commercial Tourist) zone, GC (General Commercial) General Plan land use designation.

Project approval is with the determination that the project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15311(a) (on-premise signs) of the CEQA Guidelines.

The project approval is 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 removal of the existing 12 ft. x 12 ft. (144 sq. ft.) empty sign cabinet; relocation of existing double sided 12 ft. 8 in. x 9 ft. 9 in. (123.5 sq. ft. per side) Best Western sign cabinet to the vacant pole, with the sign to be 65 feet high; and removal of the old Best Western pole to grade; with the two signs located on the freeway pole sign having been removed (Denny's and Best Western) will not:
 - a. be contrary to the public's interest, safety, health, and welfare.
 - b. be detrimental to property or improvements in the neighborhood.
2. The subject property is located at 122 E. Miner Street within the Central Yreka Interchange as provided in Section 13.68.030 of the Yreka Municipal Code and is a lodging business whose primary clientele are the motoring public on Interstate 5.
3. The subject property has a motel on it whose primary clientele are the motoring public on Interstate 5, therefore, it will not be contrary to the intent of Chapter 13 or the public interest, safety, health and welfare to allow pole signage in excess of the 50 sq. ft. otherwise allowed.
4. The Planning Commission made a determination that this project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15311(a) (On-Premises Signs) of the CEQA Guidelines.

CONDITIONS:

1. The signs installed shall comply with the specifications and plans approved by the Planning Commission on August 17, 2011 and shall serve only to identify the

business carried on said premises.

2. The permit does not constitute approval from the Department of Transportation of the State of California; the Permittee shall comply with any and all statutes, rules, and regulations of the State of California if applicable.

3. The signs shall be erected in accordance with the plans submitted on August 1, 2011 by Pat Corey for McHale Sign Co. and approved by the Planning Commission on August 17, 2011 and shall not be deviated from without the prior review and approval of the Planning Commission.

4. The signs shall harmonize with the materials, textures, sizes, shapes, heights, locations, and designs of the buildings, properties, or neighborhood of which they are a part, and as approved by the Planning Commission.

5. The signs shall be erected in accordance with Title 13, Signs, of the Yreka Municipal Code.

6. Permittee shall obtain a building permit and shall pay the necessary fees therefore prior to installing the signs approved by the Planning Commission at its meeting held on August 17, 2011.

7. The signs shall be removed within thirty days after the business closes and is no longer in operation on the property upon which the sign is located.

8. The sign use permit shall expire and terminate if not used within one (1) year from the date of approval. Approval may be extended upon written application to the Planning Commission before expiration of the first approval.

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

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

ORDINANCE ADDITION AND ORDINANCE MODIFICATION
CITY WIDE RECOMMEND ADOPTION

The Commission reviewed the information provided for possible recommendation to the City Council for approval of the addition of Chapters 9.25 and 16.100, and modification of Chapters 16.12 and 16.34 for the regulation of Medical Marijuana Distribution Facilities.

Mary Frances McHugh, City Attorney, handed out additional information provided by the Chief of Police Brian Bowles regarding secondary effects recorded across the State of

California during the past week regarding medical marijuana distribution facilities. She also explained that a violation of the ordinance will be a civil violation, not a criminal violation. The resolution and ordinance will be modified to make the fine equivalent to a misdemeanor (\$1,000).

This being the time and date set for a public hearing for the possible recommendation to the City Council for approval of the addition of Chapters 9.25 and 16.100, and modification of Chapters 16.12 and 16.34 for the regulation of Medical Marijuana Distribution Facilities, Chair Baird opened the hearing to the public.

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

Following Commission discussion, Commissioner Knitter made a motion to adopt Resolution No. PC – 32 a resolution of the Planning Commission of the City of Yreka recommending the City Council amend the Yreka Municipal Code by Ordinance 817, adding a new Chapter 9.25 (Medical Marijuana Distribution Facilities) to Title 9 (Public Peace, Morals, and Welfare) and a new Chapter 16.100 (Medical Marijuana Distribution Facilities) to Title 16 (Zoning) and modifying Chapters 16.12 and 16.34 as follows:

RESOLUTION NO. PC - 32

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YREKA RECOMMENDING THE CITY COUNCIL AMEND THE YREKA MUNICIPAL CODE BY ORDINANCE 817, ADDING A NEW CHAPTER 9.25 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) AND A NEW CHAPTER 16.100 (MEDICAL MARIJUANA DISTRIBUTION FACILITIES) TO TITLE 16 (ZONING) AND MODIFYING CHAPTERS 16.12 AND 16.34

WHEREAS, the members of the Planning Commission, with the assistance of City staff, have reviewed proposed Ordinance 817, Adding A New Chapter 9.25 (Medical Marijuana Distribution Facilities) To Title 9 (Public Peace, Morals And Welfare) And A New Chapter 16.100 (Medical Marijuana Distribution Facilities) To Title 16 (Zoning) And Modifying Chapters 16.12 And 16.34 Of The Yreka Municipal Code as set out in Exhibit "A", which is attached hereto and made a part hereof by this reference;

WHEREAS, this ordinance proposes to define medical marijuana distribution facilities and prohibit such uses in all zoning districts of the City of Yreka, and the Planning Commission have determined this amendment of the Yreka Municipal Code is necessary to bring it into conformity with the existing law and the remaining ordinances of the City of Yreka regulating use of property in the City of Yreka; and,

WHEREAS, the Planning Commission has determined it would be in the best interests of the City that the amendments proposed to Amend The Yreka Municipal

Code By Ordinance 817, Adding A New Chapter 9.25 (Medical Marijuana Distribution Facilities) To Title 9 (Public Peace, Morals And Welfare) And A New Chapter 16.100 (Medical Marijuana Distribution Facilities) To Title 16 (Zoning) And Modifying Chapters 16.12 And 16.34.

WHEREAS, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) this action is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment;

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF YREKA DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The Planning Commission hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The Planning Commission recommends for approval by the City Council the Ordinance numbered 817 attached hereto and made a part hereof by this reference and marked Exhibit "A".

Passed and adopted this 17th day of August, 2011, by the following vote:

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

NAYS: None

ABSENT: None

Chair

APPROVED AS TO FORM:

Mary Frances McHugh, City Attorney

Attest: _____
Pam Hayden, Deputy City Clerk

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

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

NOES: None

PUBLIC COMMENTS

None.

APPROVAL OF THE MINUTES OF THE JULY 20, 2011 MEETING

The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held July 20, 2011, approved the minutes unanimously on a motion made by Commissioner Ohlund and seconded by Commissioner Leal.

COMMISSIONER'S STATEMENTS & COMMENTS

Commissioner Knitter said it was reported to her that where the old mining equipment and other artifacts are displayed at Upper Greenhorn Park there are dangerous sharp objects such as rebar, nails, etc. that could hurt people if they are climbing around on the equipment and may be an attractive nuisance.

It was asked why Greenhorn Lake is lowering. Staff explained that work is proposed that will relocate the stream above the lake for flood control and the lake is lowered for that project.

There being no further business before the Commission, the meeting was adjourned at 7:10 p.m.

Pamela J. Hayden, Planning Director