

MINUTES OF THE REGULAR MEETING OF THE
YREKA PLANNING COMMISSION HELD IN
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY
ON THE 15th DAY OF JUNE 2011

On the 15th day of June, 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

Absent: Richard Rolzinski

USE PERMIT – CARGO CONTAINER

ROBERTO OCHOA – 1332 FAIRLANE RD

APPROVED

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

The Commission reviewed the application submitted by Roberto Ochoa for a conditional use permit to use two metal cargo containers for use as storage on the property located at 1332 Fairlane Road, Assessor’s Parcel No. 062-051-620, M-1 (Light Industrial) zone, I (Industrial) General Plan designation.

This being the time and date set for a public hearing on an application for a use permit to use two metal cargo containers for use as storage on the property located at 1332 Fairlane Road, 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 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.

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

Following Commission discussion, Commissioner Knitter made a motion to approve the application for a conditional use permit to use two metal cargo containers for use as storage on the property located at 1332 Fairlane Road, Assessor's Parcel No. 062-051-620, M-1 (Light Industrial) zone, I (Industrial) General Plan designation 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 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 use of two metal cargo containers for use as storage 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 site is zoned properly for the proposed use subject to use permit approval.
 - 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 because the surrounding uses are also light industrial.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the use of a cargo container for storage will not impact traffic or parking because of the proposed location of the containers.
 - 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 no new streets are proposed with the project.
2. The use is compatible with the policies and objectives of the zoning ordinance subject to Yreka Municipal Code section 16.46.140.
3. The use of cargo a container is an accessory to the primary permitted use of a forestry business.
4. Pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) this action is determined to be 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.

CONDITIONS:

1. Permittee granted a permit to use two metal cargo containers for use as storage at the location set forth in the application, subject to full compliance with applicable city and state codes.
2. Permittee shall only use the storage containers for storage of merchandise, inventory, shelving displays, or other incidental items related to the operation of the business.
3. There shall be no business or sale of merchandise conducted from the storage containers, nor shall the storage containers be used as a habitable space, office, or meeting area, and shall be kept closed and secured at all times other than when items are being moved to or from the storage containers.
4. The storage containers shall be oriented to minimize the view from the public right-of-way. In no case shall the storage containers be placed so as to cover, block, or otherwise impact required parking, or impact circulation and emergency access.
5. The storage containers shall be painted in a single color matching or similar to the field color of the primary structure and/or properly screened with screening walls and/or landscaping. Graffiti shall be removed within twenty-four (24) hours from any storage container or screening.
6. Cargo containers shall be located above the base flood elevation or suitably anchored as approved by the Building Official.
7. The placement of any signs, advertising copy, banners, or similar item is prohibited on storage containers.
8. Storage container shall not exceed a height of ten (10) feet.
9. Storage container location:
 - (a) Front setback: Storage container shall be no closer to the front lot line than the front-most wall of the building nearest the front lot line, or fifty (50) feet, whichever distance is greater. In no case shall a storage container be located closer than fifty (50) feet to any front lot line.
 - (b) Side and rear setbacks: Side and rear setbacks shall be the same as those for the underlying zone.
 - (c) Cargo container shall not encroach upon any easement.
10. 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.

11. 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 Leal seconded the motion. The motion carried by the following vote:

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

Commissioner Ohlund returned to the Commissioners table.

USE PERMIT – CARGO CONTAINER
SCOTT KIMBALL – 108 DAVIS ROAD **APPROVED**

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

Vice Chair Leal assumed the position of Chair. The Commission reviewed the application submitted by Scott Kimball for a conditional use permit to use one metal cargo container for use as storage on the property located at 108 Davis Road, Assessor’s Parcel No. 062-051-110, M-1 (Light Industrial) zone, I (Industrial) General Plan designation.

This being the time and date set for a public hearing on an application for a use permit to use one metal cargo container for use as storage on the property located at 108 Davis Road, Vice Chair Leal 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 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.

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

Following Commission discussion, Commissioner McAllister made a motion to approve the application for a conditional use permit to use one metal cargo container for use as storage on the property located at 108 Davis Road, Assessor's Parcel No. 062-051-110, M-1 (Light Industrial) zone, I (Industrial) General Plan designation 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 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 use of one metal cargo container for use as storage 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 site is zoned properly for the proposed use subject to use permit approval.
 - 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 because the surrounding uses are also light industrial.
 - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because the use of a cargo container for storage will not impact traffic or parking because of the proposed location of the containers.
 - 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 no new streets are proposed with the project.
2. The use is compatible with the policies and objectives of the zoning ordinance subject to Yreka Municipal Code section 16.46.140.
3. The use of cargo a container is an accessory to the primary permitted use of construction and auto body & paint businesses.
4. Pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) this action is determined to be 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.

CONDITIONS:

1. Permittee granted a permit to use one metal cargo container for use as storage at the location set forth in the application subject to full compliance with applicable city and state codes.
2. Permittee shall only use the storage container for storage of merchandise, inventory, shelving displays, or other incidental items related to the operation of the business.
3. There shall be no business or sale of merchandise conducted from the storage container, nor shall the storage container be used as a habitable space, office, or meeting area, and shall be kept closed and secured at all times other than when items are being moved to or from the storage container.
4. The storage container shall be oriented to minimize the view from the public right-of-way. In no case shall the storage container be placed so as to cover, block, or otherwise impact required parking, or impact circulation and emergency access.
5. The storage container shall be painted in a single color matching or similar to the field color of the primary structure and/or properly screened with screening walls and/or landscaping. Graffiti shall be removed within twenty-four (24) hours from any storage container or screening.
6. Cargo container shall be located above the base flood elevation or suitably anchored as approved by the Building Official.
7. The placement of any signs, advertising copy, banners, or similar item is prohibited on storage containers.
8. Storage container shall not exceed a height of ten (10) feet.
9. Storage container location:
 - (a) Front setback: Storage container shall be no closer to the front lot line than the front-most wall of the building nearest the front lot line, or fifty (50) feet, whichever distance is greater. In no case shall a storage container be located closer than fifty (50) feet to any front lot line.
 - (b) Side and rear setbacks: Side and rear setbacks shall be the same as those for the underlying zone.
 - (c) Cargo container shall not encroach upon any easement.
10. 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.

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

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

Chair Baird returned to the Commissioners table and resumed the duties of Chair.

PUBLIC COMMENTS

None.

APPROVAL OF THE MINUTES OF THE MAY 18, 2011 MEETING

The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held May 18, 2011, approved the minutes unanimously on a motion made by Commissioner Ohlund and seconded by Commissioner McAllister.

USE PERMIT EXTENSION

LEO & MARSHA MILLER FOR L & M RENTALS & EQUIPMENT APPROVED

The Commission reviewed the application submitted by Leo and Marsha Miller for L & M Rentals & Equipment for an extension to Use Permit No. 3905 Conditions Number 6 and 7 for one year to June 18, 2012 for the property located at 552 E. Oberlin Road, Assessor's Parcel No. 061-301-180, M-1 (Light Industrial) zone, I (Industrial) General Plan designation.

Staff recommended approval of a one year extension.

Staff also recommended that the Planning Commission make a 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.

Use Permit No. 3905 was approved subject to Conditions Number 6 - improvement of the equipment display area, parking areas, aisles, and access drives; and Number 7 – pave the driveway approach for a distance of not less than 20 feet from the property line. Those conditions allowed delaying the improvements subject to entering into an improvement agreement with security for that agreement. There is a current improvement agreement with security for the agreement. If an extension is approved it is recommended that the agreement and security would also need to be extended.

Pursuant to The Director of Public Works and Building Official, Condition Number 7 has been completed. Condition Number 6 remains unfulfilled.

Applicant representative, John Wood, was in attendance to answer questions and reported that the extension is needed due to a financial hardship.

Following Commission discussion, Commissioner Leal made a motion to approve the application for an extension to Use Permit No. 3905 Conditions Number 6 and 7 for one year to June 18, 2012 for the property located at 552 E. Oberlin Road, Assessor's Parcel No. 061-301-180, M-1 (Light Industrial) zone, I (Industrial) General Plan designation. Approval is subject to the Findings and Conditions of Approval previously approved on June 18, 2008 (UP #3905), May 20, 2009 (UP #3990), and June 16, 2010 (extension UP #3905 & #3990) and subject to executing an extension to the Improvement Agreement and providing security for the Agreement.

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

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

**HENS WITHIN CITY LIMITS
CITY WIDE**

TABLED

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?

The attachments provided the Commission were:

- 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

City Attorney McHugh, explained that the City Council referred this matter to the Planning Commission for consideration and a recommendation report to the City Council on whether to adopt an ordinance permitting backyard chickens in the City of Yreka, and if so, what ordinance is preferred. Currently the Yreka Municipal Code bars all fowl, with one exception. She explained that if the Commission determines hens should be allowed two possible approaches would be to modify the animal regulations to include hens or to modify the zoning ordinance to allow hens as a permitted use or a conditional use in a specific zone.

Prior to the meeting a member of the audience asked the City Attorney if she could bring a live chicken into the Chamber. She was informed that it was a Planning Commission decision.

City Attorney McHugh reported the request to the Commission and she requested the Commission deny the request due to her asthmatic condition and allergy to feathers.

The Commissioners, with one exception, were familiar with chickens and did not need to have one brought to the Chamber to view. The request to bring in a chicken was denied.

Members of the public were allowed the opportunity to comment.

Heidi Jankowski, 623 Evergreen Lane, Yreka, provided the Commission information on healthy food choices, including fresh eggs. She requested that all should not be punished for the few that might not be responsible owners. A copy of the information was provided to staff. She requested the City allow hens in the City.

Holly Baun, 1126 North Street, Yreka, explained the events leading up to the request for allowing hens in the City limits. She also requested the City allow hens in the City.

Steve Renner, 637 South Street, Yreka, requested the City allow hens in the City.

Megan Iverson Janke, 18923 Cottonwood Creek Road, Hornbrook, is the 4-H poultry leader and explained how important it is for children to have and be responsible for animals including chickens. Her children Onia and Tessa both spoke in favor of allowing chickens in the City.

Public comment was closed.

Commissioners discussed whether or not to pursue an action to allow chickens/hens within the City limits.

Following their discussion Commissioner Knitter made a motion to table this agenda item to the July meeting to allow for additional research. Commissioner Ohlund seconded the motion. All voting aye, the motion carried.

COMMISSIONER'S STATEMENTS & COMMENTS

None.

There being no further business before the Commission, the meeting was adjourned at 7:44 p.m.

Pamela J. Hayden, Planning Director