

MINUTES OF THE REGULAR MEETING OF THE  
YREKA PLANNING COMMISSION HELD IN  
THE YREKA CITY COUNCIL CHAMBER IN SAID CITY  
ON THE 15<sup>th</sup> DAY OF SEPTEMBER 2010

On the 15<sup>th</sup> day of September, 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  
                                  Steve Leal  
                                  Mark McAllister  
                                  Barry Ohlund  
                                  Matt Osborn  
                                  Richard Rolzinski

Absent:                     None

**USE PERMIT – USED APPLIANCE SALES  
TOM BACKOVICH JR. – 221 N MAIN ST #B**

**APPROVED**

The Commission reviewed the application submitted by Tom Backovich Jr. for a use permit to establish and operate a used appliance sales business (mostly washers and dryers), in conjunction with the existing tire shop use on the property located at 221 N. Main Street, Assessor’s Parcel No. 0053-272-010 and 020.

This being the time and date set for a public hearing on an application for a use permit to establish and operate a used appliance sales business on the property located at 221 N. Main Street, Chair Knitter opened the hearing to the public.

Staff reported the Technical Committee recommended approval subject to providing documentation that the Assessor’s Parcel Numbers 053-272-010 and 020 were merged into one lot as previously required.

Staff 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) 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, Commission Baird made a motion to approve the

application for a use permit to establish and operate a used appliance sales business (mostly washers and dryers), in conjunction with the existing tire shop use, on the property located at 221 N. Main Street #B, Assessor's Parcel No. 053-272-010 and 020, CH zone, GC General Plan designation. Approval is subject to the following additional Condition:

Permittee shall provide documentation that Assessor's Parcel Numbers 053-272-010 and 020 were merged into one lot.

And modification of Condition No. 3 as follows:

There shall be no storage outside the building except in an enclosed screened area and there shall be no display of merchandise outside the building.

The approval is based on Staff's and the Technical Committee's recommendations with the determination that this 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 approval 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 the business of the sale of used appliances, mostly washers and dryers, on the property located at 221 N. Main Street, Unit B 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 proposed use will be co-locating within an existing commercial building that has an existing tire shop business.
  - 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 reasons stated above.
  - c. cause unreasonable vehicular traffic, parking congestion, noise, nuisance, or odors because there is adequate on-site parking available for the proposed use in the existing commercial building.
  - 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 for the reason stated in (a) 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.

The foregoing findings are based upon the following:

The design of the project and its proposed improvements will not cause serious public health problems or significant environment damage since the proposed project is for a commercial use within an existing commercial neighborhood.

Conditions of approval will provide maximum land use compatibility between the proposed commercial development and the existing commercial neighborhood. None of the findings necessary for denial of this proposal can be found in the affirmative.

#### CONDITIONS:

1. Permittee granted a permit to establish and operate the business of used appliance sales (mostly washers and dryers) 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. Permittee shall provide documentation that Assessor's Parcel Numbers 053-272-010 and 020 were merged into one lot.
3. There shall be no storage outside the building except in an enclosed screened area and there shall be no display of merchandise outside the building.
4. 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.
5. Use shall be conducted in accordance with the site plan as submitted and no alterations shall be made without prior approval of the Planning Commission; provided, however, upon request of the Permittee and showing of good cause, the City Manager is authorized to permit minor modifications of the site plan without resubmission to the Planning Commission.
6. 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.
7. 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 Uniform Building and Fire Codes prior to use of subject building.

8. Permittee shall obtain a building permit and shall pay the necessary fees therefor prior to making any building, electrical, mechanical, or plumbing alterations/improvements to the structures. Public infrastructure improvements such as curb, gutter, sidewalk, driveway approaches and asphalt concrete street pavement may be required upon issuance of a building permit in accordance with Yreka Municipal Code Section 11.24.030.

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

11. Permittee shall secure an annual City business license to carry on the business of sale of used appliances.

**12. The use permit shall expire and terminate if not used within one (1) year from the date of approval, 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**

None.

**APPROVAL OF THE MINUTES OF THE AUGUST 18, 2010 MEETING**

The Commission, having received a copy of the minutes of the regular meeting of the Planning Commission held August 18, 2010, approved the minutes unanimously on a motion made by Commissioner Ohlund and seconded by Commissioner Leal, subject to correction on page 7, paragraph 6, deleting the typographical error (... One (1) for each ~~for~~ each three (3) fixed seats ...).

**COMMISSIONER'S STATEMENTS & COMMENTS**

Commissioners were updated on the Century bicycle race held over the weekend. Commissioner Osborn reported it was successful although numbers were down from last year.

Staff reported the weeds at the old Boston Shaft building were removed by the property

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owner or a representative of the owner. Commissioner's acknowledged it looks much better.

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

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Pamela J. Hayden, Planning Director