

## PLANNING COMMISSION MINUTES

**Date of Meeting:** Tuesday, November 25, 2008

**Time of Meeting:** 5:15 p.m.

**Place of Meeting:** City Council Chambers  
555 Washington Street  
Red Bluff, CA

**Commissioners Present:** Jean Moran  
Bob Carrel  
Andrew Christ  
Doug Dale  
Greg Latourell

**Commissioners Absent:** None

**Staff Present:** Scot Timboe, Planning Director  
Cheryl Smith, Deputy City Clerk  
Mike Bachmeyer, Division Chief  
Mark Barthel, Public Works Director

The Pledge of Allegiance was led by Mark Barthel and the assemblage joined in.

### **CITIZEN'S COMMENT:**

None.

## **CURRENT BUSINESS**

### **APPROVAL OF MINUTES**

#### **October 28, 2008**

M/S/C Dale, Christ to approve the minutes of October 28, 2008 as written.

AYES: Commissioners: Dale, Moran, Christ and Carrel

NOES: None

ABSENT OR NOT VOTING: Commissioner Latourell (abstained-absent that meeting)

#### **November 12, 2008 – Special Meeting**

M/S/C Christ, Dale to approve the minutes of November 12, 2008 as written.

AYES: Commissioners: Dale, Moran, Christ, Latourell and Carrel

NOES: None

ABSENT OR NOT VOTING: None

### **APPEAL OF RED BLUFF CITY CODE SECTION 19.33 CONSTRUCTION REQUIRED; 355 MAIN STREET, TOM AMUNDSON (OWNER)**

Scot Timboe, Planning Director, reviewed the staff report and gave staff's recommendation that the Planning Commission:

1. Consider all public testimony and all other information submitted relating to the appeal.
2. Find that no deviation to the application of Public Works requirements in reference to RBCC Section 19.33 be made as City staff does not believe special conditions or exception characteristic of the property of the applicant for deviation, or its location or surroundings, a lateral enforcement of this article would result in practical difficulties or unnecessary hardships, and therefore the Planning Commission denies the deviation and/or appeal of the requirements and application by Public Works of RBCC Section 19.33 as the deviation would be contrary to its intent or to the public interest, safety, health and welfare.

Mr. Timboe reported that he had spoken with the City Attorney and since the work had been completed prior to this appeal hearing the City would not reimburse the costs of improvements.

Tom Amundson stated that he was mandated to repair sidewalks owned by the City where tree roots had raised the sidewalk. Because it was more cost effective he had repaired the entire sidewalk. He asked why the responsibility to fix the sidewalk falls on the property owner when the City owns the sidewalks and mandates what type of trees can be planted. He stated that he did not know about the sidewalk repairs needed until after he had purchased the building. He questioned why with the ADA case filed by Larry Stevens for the City to fix some curbs and sidewalks and those by his building he has to pay for. He also stated that he had been told by staff that since the work had already been completed the City would not pay for the repairs, but he had a timeline to meet. Mr. Amundson also stated that ADA standards are changed all the time and you can't keep up with the changes, which puts a burden on property owners. He stated that the current policy in place seems to be inconsistent.

Mr. Timboe stated that there were select areas in the lawsuit that the City was mandated by the court to fix and that all others were fixed by property owners when building permits, such as, remodels were taken out that exceed RBCC 19 thresholds.

Commissioner Dale stated that it did bother him when he saw that the City would not pay, but understands now that since the work had been completed, if had he had waited until after the appeal hearing then no one would have paid, since improvements could have been waived. He requested clarification if the property Mr. Amundson referred to on the corner of Jefferson and Oak was part of the Stevens ADA lawsuit and if the City had planted the liquid amber trees in front of Mr. Amundson's property.

Mark Barthel, Public Works Director, stated that the property referred to at Oak and Jefferson was included in the repairs mandated by the Court in the Stevens lawsuit and that he had not been able to determine who planted the trees, it was possible that it was a previous property owner.

Mr. Amundson stated that as a physical therapist he is mindful of any trip and fall hazards that may affect his patients.

Commissioner Moran questioned what the \$3,000 improvements would be if they were calculated with 2008 costs.

Mr. Barthel stated that it would be approximately \$18,000 today.

Commissioner Carrel stated that he also had gone through this when he did improvements at his home and that he did not believe Mr. Amundson was aware of the improvements needed, had he been, he could have appealed prior to having the work completed or purchasing the building. He questioned Mr. Amundson if he had known would he have appealed prior to completing work.

Mr. Amundson stated no he wanted everything completed. He stated that he was speaking for the general population, wished that the City would kick in money to help him out, but wanted to finish what he had started with the appeal process.

Commissioner Carrel asked Mr. Amundson if he could have lived with the sidewalks the way they were prior to repairs.

Mr. Amundson stated that they were tripping hazards and did not want to put himself at risk.

Commissioner Carrel questioned if the information was disclosed to him by his realtor.

Mr. Amundson stated no the ADA compliance was not disclosed by his realtor and that the agent should have been advising him. He stated that the real estate companies should have been advised that the prospective buyers should be told if there are potential risks and costs associated with property being sold and/or purchased.

Commissioner Dale questioned if Mr. Amundson or his real estate agent had spoken with the City prior to the purchase.

Mr. Amundson stated that there had been no meeting with the City, but the City should attend a realtor meeting to let them know the consequences and that the Realtor should be held accountable. He stated that there was a letter that went out to realtors a couple of years ago that needs to be brought to the surface again.

Mr. Timboe stated that when his department is contacted he checks for zoning compliance to see if it is zoned correctly and then directs the inquiry to Building and Fire for anything that needs to be brought into compliance.

Mr. Timboe stated that he appreciated Mr. Amundson purchasing the building and making the improvements as he hates to see empty buildings downtown.

Commissioner Moran questioned if a application for the appeal had been submitted.

Mr. Timboe stated that yes, which is how the process got started to bring to the Planning Commission.

There was a discussion of whether CalTrans could assist or if any part of this area was considered historical.

Mr. Timboe stated that the location is south of Antelope Blvd so is not part of a state route and that it is his understanding historical doesn't carry over to infrastructure.

Vice Chairperson Christ requested clarification on what staff thought of the \$3,000 limit.

Mr. Barthel stated that the City Council had asked staff to review and bring back a more current dollar amount, which staff is currently looking at \$20,000.

Chairperson Latourell requested clarification on what was meant by practical difficulties and unusual hardships.

Mr. Barthel stated that there are times when you can't meet requirements such as steep grades, but can make reasonable accommodations.

Chairperson Latourell stated that Mr. Amundson has enhanced the area with the improvements made and stated that this was a good time for staff to review and clarify the language in this section of the code.

Mr. Barthel stated that property owners are required to maintain their property frontage in a safe condition.

Commissioner Moran stated that nowhere in the code does nit state that the property owner must submit a deviation request prior to work being completed.

Mr. Timboe stated that if you exchange the word deviation with exception it would mean that you don't do it at all. If you don't have to do it and then you do it you can't except what you've already done.

Commissioner Carrel requested clarification on who had sent the communication between the realtors and the City.

Mr. Timboe stated that was most likely sent out by the Building Department to make the realtors aware of any changes. Mr. Timboe stated that he would speak with Mr. Ellison and ask him to re-notify the realtors.

M/S/C Dale, Carrel to find that no deviation to the application of Public Works requirements in reference to RBCC Section 19.33 be made as City staff does not believe special conditions or exception characteristic of the property of the applicant for deviation, or its location or surroundings, a lateral enforcement of this article would result in practical difficulties or unnecessary hardships, and therefore the Planning Commission denies the deviation and/or appeal of the requirements and application by Public Works of RBCC Section 19.33 as the deviation would be contrary to its intent or to the public interest, safety, health and welfare.

AYES: Commissioners: Carrel, Dale and Latourell

NOES: Commissioner: Christ

ABSENT OR NOT VOTING: Commissioner Moran (abstained)

### **STAFF ITEMS/REPORTS:**

Mr. Timboe reported that Commissioner Carrel was recently elected to the City Council and would be sworn in on Tuesday, December 2<sup>nd</sup>. He also reported that Commissioners Dale and Latourell were up for reappointment to the Commission. He reported that a Rezone and General Plan amendment for the Stenberg property located along Luther Road, 22 acres north of the runway and 3 lots on the corner of Airport Blvd were be on the December 9<sup>th</sup> agenda.

Commissioner Christ questioned if there was any interest in revising the \$3,000 limit that triggers improvements.

Mr. Barthel stated that he will be considering a new dollar amount that reflects today's numbers.

**ADJOURNMENT:**

There being no further business the meeting was adjourned at 6:32 p.m. until December 9, 2008 at 5:15 p.m.

Respectfully submitted,

s/Scot Timboe  
Planning Director