

PLANNING COMMISSION MINUTES

Date of Meeting: Tuesday, October 27, 2009
Time of Meeting: 5:15 p.m.
Place of Meeting: City Council Chambers
555 Washington Street
Red Bluff, CA

Commissioners Present:

Jean Moran
Andrew Christ
Doug Dale
Kevin Fitzpatrick

Commissioners Absent: Greg Latourell

Staff Present:

Scot Timboe, Planning Director
Cheryl Smith, Deputy City Clerk
J. D. Ellison, Building Director/Official

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Chairperson Dale called the meeting to order at 5:19 p.m.

The Pledge of Allegiance was led by Commissioner Fitzpatrick and the assemblage joined in.

CITIZEN'S COMMENT:

None

CURRENT BUSINESS

1. APPROVAL OF MINUTES

October 13, 2009

M/S/C Christ, Fitzpatrick to approve the minutes of October 13, 2009 as written.

AYES: Commissioners: Christ, Dale, Moran and Fitzpatrick

NOES: Commissioners: None

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ABSENT OF NOT VOTING: Commissioner Latourell
(absent)

**2. PUBLIC HEARING TO CONSIDER;
PREZONE/REZONE NO. 215 (ORD. 1002) TO R-2
TWO-FAMILY RESIDENTIAL FOR THE
GREENVILLE RANCHERIA ANNEXATION AT
LAFCO (CC RESOLUTION NO. 41-2009);
PLANNING COMMISSION RESOLUTION NO. 09-
006; APN: 24-040-29; BAKER ROAD;
GREENVILLE RANCHERIA (APPLICANT)**

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

1. Conduct the Public Hearing.
2. Consider all public testimony and all other information relating to this project submitted to the Commission.
3. Adopt Resolution No. 09-006 (Attachment A) with the findings and recommending to the City

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Council approval/adoption of Ordinance No. 1002 Rezoning of the Zoning Map (REZ-215) and, that the City Council adopt City Council Resolution No. 41-2009 accepting LAFCO as the Conducting authority to approve the 3.93 acre Greenville Rancheria Annexation of said properties into the City Limits based on LAFCO adoption.

Chairperson Dale opened the public hearing at 5:22 p.m.

Jason Vine, Robertson and Dominick, stated that he was available to answer any questions the Commission might have.

Grace Bush, Greenville Rancheria Housing Development, stated that she and a member of the Tribal Counsel were available to answer any questions.

Chairperson Dale closed the public hearing at 5:23 p.m.

Commissioner Fitzpatrick stated that he saw no problems with the project.

Chairperson Dale questioned the traffic pattern in this area and if the traffic tie in would be at the eastern end of the lot.

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Mr. Timboe stated that staff works very well with Greenville Rancheria and will work with them on this project. He pointed out that there is a paper road called Monrovia and that this is 200 feet north of that road, so would have no problem tying in.

M/S/C Christ, Fitzpatrick to adopt Resolution No. 09-006 (Attachment A) with the findings and recommending to the City Council approval/adoption of Ordinance No. 1002 Rezoning of the Zoning Map (REZ-215) and, that the City Council adopt City Council Resolution No. 41-2009 accepting LAFCO as the Conducting authority to approve the 3.93 acre Greenville Rancheria Annexation of said properties into the City Limits based on LAFCO adoption.

AYES: Commissioners: Dale, Christ, Fitzpatrick and Moran

NOES: Commissioners: none

ABSENT OR NOT VOTING: Commissioner Latourell (absent)

USE PERMIT NO. 378; TO CONSIDER A MOBIL VENDING UNIT AT 8 SUTTER STREET IN A C-3

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ZONING DISTRICT; CARMEN GUTIERREZ (APPLICANTS)

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

1. Conduct the Public Hearing.
2. Consider all public testimony and all other information relating to this project submitted to the Commission.
3. Adopt Resolution No. 2009-007, approving Use Permit No. 378 with the findings and conditions of approval shown in Resolution No. 2009-007.

Chairperson Dale questioned why Sunday use was not mentioned and did not want to preclude Sundays or to minimize hours.

Mr. Timboe stated that this is what was given to him by the applicant. He continued by saying that the Planning commission has the digression to change the conditions.

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Chairperson Dale stated that he didn't care what hours they choose to operate as long as they're operating within the law.

Chairperson Dale opened the Public Hearing at 5:32 p.m.

Vince Riser, Redding Oil Company, referred to condition number 10 regarding restrooms and stated that they, as the operator's of the Valero Station near the proposed location, were worried about customers, as well as the vendor taking business away from their store using their restrooms.

Chairperson Dale pointed out that since this was a gas station with a food mart there would be competition and questioned if any insurance was required between the vendor and the Valero Station.

Mr. Timboe stated that the insurance referenced is between the vendor and Mr. Sandhu, the property owner. He pointed out that the vendor has to have the property owner's permission to use the restrooms. He pointed out that the Planning Commission can require that the vendor work out a restroom agreement with the motel or provides a restroom (porta potty).

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Commissioner Moran requested clarification on code section 21.193.

Mr. Timboe stated that it says that business will have restroom facilities available to customers. With a mobile vendor customers will drive up, get their food and leave. This is not a stationary business which would have to build a restroom.

Chairperson Dale stated that this is something the operator of the truck should work out.

Commissioner Fitzpatrick stated that the mobile vendor should have a porta potty if there is no restroom agreement.

Commissioner Moran agreed, as 12 hours is a long time.

Chairperson Dale stated that he could see the hours varying between the winter and summer and that he did not want to limit them to specific times and days.

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Mr. Timboe stated that the Planning Commission could modify to read no longer than 12 hours on site and that the times and days may change.

Commissioner Fitzpatrick requested clarification on obtaining permission from someone else or providing a porta potty.

Mr. Timboe stated that the mobile vendor shall provide an agreement of restroom use with business within the vicinity of the location or supply a porta potty.

Chairperson Dale closed the public hearing at 5:42 p.m.

Mr. Timboe stated that for clarification, the Planning Commissioners would like to revise as follows:

No. 1 – change times may change to read times and days may change.

No. 6 – Mobile Vendor unit owner/operator shall provide written verification of the ability to utilize a restroom within the vicinity or provide a porta potty at site.

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M/S/C Fitzpatrick, Moran to adopt Resolution No. 2009-007, approving Use Permit No. 378 with the findings and conditions of approval shown in Resolution No. 2009-007 with the revisions as noted above.

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AYES: Commissioners: Dale, Christ, Fitzpatrick and Moran

NOES: Commissioners: none

ABSENT OR NOT VOTING: Commissioner Latourell (absent)

STAFF ITEMS/REPORTS:

Mr. Timboe reported that on November 10th there will be a parcel map on Hornbrook Street off of Vista Way.

Chairperson Dale questioned if the Airport Commission would be hearing this also.

Mr. Timboe stated no, this was only for the map, but the Airport Commission will have one on the “through the fence” required by FAA.

Commissioner Fitzpatrick stated that this is just getting everything in order.

Commissioner Moran stated that everything would also be disclosed.

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Martin Nichols, City Manager, informed the Planning Commissioners that the judge had ruled in favor of the City and Wal-Mart on everything with the exception of the noise component. This information is available in the report and will be adopted by the City Council prior to submitting to the court for review.

ADJOURNMENT:

There being no further business the meeting was adjourned at 5:55 p.m. until November 10, 2009 at 5:15 p.m.

Respectfully submitted,

s/Scot Timboe
Planning Director

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