

MINUTES OF THE WILLOWS PLANNING COMMISSION MEETING
HELD MAY 16, 2007

The meeting was called to order at 7:00 p.m. by Chair Person Domenighini.

PLEDGE OF ALLEGIANCE: Chairperson Domenighini led the Pledge of Allegiance.

PRESENT: Domenighini, Lohman, Titus, Melquist, Woods

ABSENT: None

APPROVAL OF MINUTES:

It was **moved** by Commissioner Titus and **seconded** by Commissioner Melquist to approve the minutes of the May 2, 2007 minutes, as presented. Chairperson Domenighini made a motion to amend the minutes to add the findings. It was then **moved** by Commissioner Titus and **Seconded** by Commissioner Melquist to approve the minutes. All ayes. The motion was unanimously passed.

NEW BUSINESS:

NATE & AMBER SAWYER VARIANCE APPLICATION, FILE # V07-02

Planner Karen Mantele presented this item to the Commission explaining this was a Variance application from Nate and Amber Sawyer to vary from the 6 foot side yard setback requirement to construct a proposed 750 +/- square foot addition to their single family dwelling to match the existing structure. Ms. Mantele stated that this minor alteration qualifies as a Categorical Exemption. Commissioner Melquist asked Ms. Mantele about the non-combustible materials. Ms. Mantele referred his question to Fire Chief Wayne Peabody, who explained that non-combustible is a harsh word, and it should state "fire resistant." Mr. Peabody also suggested to the Commission that the applicant use hardy plank on the project. Commissioner Titus, at this time asked why the agenda report states Nate and Amber Sawyer as the property owners, but the original variance application states that Joe and Jennifer Richter as the property owners. Ms. Mantele explained to Commissioner Titus that at the time that the application was filled out, Joe and Jennifer Richter were the owners, and now Nate and Amber Sawyer have purchased the property. Joe Richter was present at the meeting, because Nate and Amber Sawyer were out of town. Mr. Richter addressed the commission and answered all questions that were asked. Mr. Richter also stated that Mr. and Mrs. Sawyer will be doing all of the work to the house, and they did plan on using the Hardy Plank materials. Carol Lemenager was present and stated that she lives at 227 S. Sacramento Street which is next door to the applicant. Ms. Lemenager further stated that she was in agreement with the applicant expanding, and believes that they are great people. Commissioner Titus made a **motion** to adopt the findings and approve the Variance with the 3 conditions, replacing the word non-combustible with "fire resistant," in Condition #2. The motion was **seconded** by Commissioner Lohman. **All Ayes.** The variance was granted.

Findings of Fact

1. There are either exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the vicinity.
2. Strict or literal interpretation and enforcement of the specified regulation would result in either practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
3. Granting the Variance will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same zoning district.
4. Granting the Variance or its modification will not be materially detrimental to the public health, safety, or welfare.

5. That the project qualifies for as a Categorical Exemption under Class 5, section 15305 (a).

Conditions of Approval

1. If approved by the Planning Commission, applicant must apply for all necessary building permits to build within a Flood Zone, including Certificate of Elevation required by FEMA.
2. All building materials shall be fire resistant.
3. The approval of a three foot side yard setback shall be granted for one year after the date of approval. If the use has not been made or extension granted then without action, the permit shall be null and void.

WILLOWS CHRISTIAN CHURCH, APPLICATION, FILE #V07-01

Planner Karen Mantele stated this item was continued from the 4/18/07 Planning Commission Meeting. At that meeting the Commission heard the staff report, comments from the applicant, and comments from the public, and determined that the item should be continued until the May 16, 2007 Planning Commission meeting in order for staff to research the nuisance code and for the Church to meet with the surrounding property owners with regards to the bell. Chairperson Domenighini reminded the public the order of business and the issue at hand is the bell tower, and not the bell ringing. Ms. Mantele explained to the Commission that this variance application is a request to vary from the City's zoning code regarding height allowance in order to install a bell tower on top of the church. Ms. Mantele further explained that the zoning code states that the maximum building height is 30 feet. The existing structure is 24 feet high and the proposal is to construct a tower on top of the church which will exceed the height limit by 9.6 feet. Ms. Mantele further indicated that the original bell was removed in 1975, and they wish to restore it now. Commissioner Woods stated at this time stated that she received a phone call in regards to the bell tower. She explained that during this phone call the person explained that they heard that it was going to be a cell phone tower as well and would have to come back to the Commission. Ms. Mantele stated that no cell tower proposal was talked about and yes something like a cell tower would come before the Planning Commission. Keith Corum was present and addressed the Commission and answered questions that were asked. Mr. Corum that the cell phone tower was not in any plans and wants the cell phone tower issue put to rest. Chairperson Domenighini asked if any members of the public wished to speak on this matter.

Jeff Paddock of 203 S. Plumas Street wished to address the issue of the bell tower. Mr. Paddock stated that he understands that the noise variance does not apply to the ringing of the church bell, but wanted to at this time address the concerns of the findings of facts. Mr. Paddock stated that the zoning the church is in, is an R-1 zone, and doesn't believe that the bell should be put up. He also mentioned that the other churches in town are not in the R-1 zone. Mr. Paddock also stated that the neighborhood, in which they live in, is an old style neighborhood, and the church is fairly new. He felt that the bell tower won't "fit in" in the neighborhood. He believed that it would interrupt the flow of the old neighborhood. Mr. Paddock further indicated that he believes that this bell tower and bell is detrimental to the public safety and that the City couldn't guarantee that this large bell won't fall in the event of an earthquake. At this time, Mr. Paddock mentioned to the Commission that he had a note with a list of explanations of why the neighbors don't want the bell tower. Mr. Paddock wanted this to be a public record document (opposition document)

Jim Bettencourt of the public was present and wished to address the Commission at this time. Mr. Bettencourt stated that he was not present at the first meeting, but he received a letter from the Church stating that there would be a bell, so he decided to attend this Planning Commission Meeting. Mr. Bettencourt further indicated that if the steeple is placed on top of the church, that it would be exactly 150 feet north, of his three master bedroom windows. Mr. Bettencourt also stated that his wife suffers from arthritis, and is sometimes bed-ridden. Mr. Bettencourt believed that she had enough obstacles to overcome, and he believed that the steeple would be something she would have to look at on those days she is bed ridden. Mr. Bettencourt then stated that the meeting that took place at the church went very well, and there were more opposed to the bell tower than in favor of the bell tower. Mr. Bettencourt then asked Chairperson Domenighini if an individual on the board has a certain bond with the applicant; would they have to remove themselves? Chairperson Domenighini further stated that they would only have to remove themselves if they have a financial bond. Mr. Bettencourt was not agreeing with that statement. At this time Chairperson Domenighini addressed Mr. Bettencourt and stated that all of the

Commissioners come to the meeting with an open mind. Chairperson Domenighini further stated that if it was a family member that was the applicant, then he hopes that they would remove themselves from the meeting. Commissioner Domenighini stated that he applauded all of the neighbors who got together for the meeting at the church. Mr. Bettencourt stated at this time, that he was totally opposed to the steeple and wanted to retract his reasoning. Mr. Bettencourt further indicated they had 6-7 people in opposition to the bell. Mr. Bettencourt also stated that the church has 1 single vote, and the neighbors have 9-10 votes.

Ruth Dado who lives directly across the street from the church, wished to address the Commission in regards to the bell tower. Ms. Dado stated that in the summer time she leaves her windows and doors open and does not wish to hear the bell ringing all of the time.

Sherry Brott of 235 S. Plumas Street wished to address the Commission with her thoughts on the bell tower. Ms. Brott stated that she didn't hear any comment on the church bell ringing 27 times per day, and was frustrated that the neighbors were dictating the wrong information. Ms. Brott also stated that she didn't understand the zone ordinance, but she wished to focus on the approving of the variance.

Planner Mantele spoke through the Chair that she surveyed churches in Willows and most of the churches in the City are in an R-1 zone or an RP zone, which abuts an R-1 district. Two churches ring bells throughout the day and on Sundays.

Helen Overholtzer who lives south of the church had an objection regarding the comment made by Jeff Paddock. She believes that the bell tower will fit in the neighborhood.

Siegfried Knauer from the public came forward and wished to comment on the issue of the bell tower. He stated that he couldn't believe that the bell tower would cause such a problem in the neighborhood. Mr. Knauer believed that it would beautify the church, and is a plus for the community.

Commissioner Titus asked Fire Chief Wayne Peabody and Building Inspector Clay Dawley, if this bell tower was a danger to the citizens and community. Chief Wayne Peabody stated that to the south of the church is a parking lot; to the north of the church is a sidewalk; and to the east is sidewalk and grass, and in the event that the steeple fell down in would not land on any house in the area. Chief Peabody stated that he didn't think that this was a problem, and Mr. Dawley stated that he would make them following the correct building codes. Commissioner Woods indicated to the Commission that she lives in the area, does not attend this church, but believes that it would not be a problem. Chairperson Domenighini indicated at this time that he was opposed to this variance because he believes that the church cannot meet all findings. Commissioner Melquist made a **motion** to adopt the findings of fact and approve the Variance. Commissioner Woods **seconded** this motion. **Ayes: Melquist, Woods, Lohman Noes: Domenighini Abstain: Titus**

Findings of Facts

1. There are either exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the vicinity.
2. Strict or literal interpretation and enforcement of the specified regulation would result in either practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
3. Granting the Variance will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same zoning district.
4. Granting the Variance or its modification will not be materially detrimental to the public health, safety, or welfare.
5. That the project qualifies for a Categorical Exemption under Class 5, Section 15305 (a).

WILLOWS CHRISTIAN CHURCH, DESIGN REVIEW APPLICATION FILE # DR 07-01

This item was heard previously at the April 18, 2007 Planning Commission Meeting, which at the time the Commission heard the staff report, comments from the applicant, and comments from the public. The Commission determined that the item should be continued until the May 16th meeting in order for the Church to meet with the surrounding property owners with regards to the bell proposal, as a Variance application has been applied for to allow additional height and the Design Review cannot be acted upon until the Variance was heard. The Landscape portion of the Design Review application was heard and approved at the April 18th meeting. Planner Karen Mantele presented the item to the Commission and explained that this is a request of the Commission to review and approve a proposed exterior change to install a bell tower on top of an existing church that was built in 1994. The applicant has submitted an elevation showing that louvers will be part of the bell tower design. Keith Corum was present and addressed the Commission and answered questions pertaining to the application. Mr. Corum at this time stated that he was at a loss for words, and that the bell tower will have a traditional look and will appear that it has always been there. Commissioner Lohman addressed Mr. Corum asking why they were going to add louvers. Mr. Corum responded that the louvers will be placed to keep out birds, bats, and it will help mellow the sound of the bell. Chairperson Domenighini stated that he liked the design that was presented. Commissioner Melquist made a **motion** to adopt the finding that the project qualifies as a Categorical Exemption, as well as approve the Design Review proposal subject to conditions, and Commissioner Lohman **seconded** the motion. **All Ayes.** Motion Carried. Ms. Mantele stated at this time that there is no appeal period in the code.

Findings of Fact:

Section 27.05 of the City's Zoning Ordinance states in order to grant a Variance, the Planning Commission must make affirmative findings of fact in each of the following, that:

- There are either exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the vicinity.
- Strict or literal interpretation and enforcement of the specified regulation would result in either practical difficulty or unnecessary physical hardship and would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
- Granting the Variance will not constitute a grant of special privileges inconsistent with the limitations on other properties classified in the same zoning district.
- Granting the Variance or its modification will be materially detrimental to the public health, safety, or welfare.
- That the project qualifies as a Categorical Exemption under Class 1 Section 15301 Existing Structures.

Conditions of Approval

1. Applicant shall obtain a building permit for the installation of the bell tower and shall submit three sets of plans and calculations to the Building Department for review and approval. Plans and calculations shall be wet stamped and signed by a licensed Civil Engineer.
2. The Fire Department shall review the proposed building plans prior to building permit issuance.

GREGORY PEITZ, ARCHITECT DESIGN REVIEW APPLICATION FILE # DR 06-05

Ms. Mantele presented the staff report to the Commission and stated the applicant came before the Planning Commission on June 7, 2006 as an advisory request input for the Commission on the proposed project. The applicant has submitted a couple site plans to the City for review, and is now bringing forward a final plan for architectural review.

The project applicant, on behalf of the owner, is requesting an architectural design review approval in order to construct five single-story multi-family apartment buildings on a 1.65 acre vacant lot. Ms. Mantele further explained that the 1.65 acre vacant lot is located off of Sycamore Street between W. Humboldt and N. Villa Street within the Willows City Limits. Ms. Mantele stated that there will be 11 3-bedroom units and 8 2-bedroom units. No managers unit has been designated. Ms. Mantele also explained to the Commission that a 6-foot perimeter cedar fence is proposed

along the west, north, and east property lines. The landscape plan includes landscaping four areas, the western property line, planting grass in the lawn/play area, and the parking lot area with a total of 29 street trees along Sycamore Street. The emergency access is located between the northern buildings B and C and Building E. Ms. Mantele stated that a material and color board is being provided by the applicant tonight. Gregory Peitz and Matt Amaro were both present at the meeting and addressed the Commission, as well as answered questions of the Commission pertaining to the project. Commissioner Melquist was concerned about the irrigation system. At this time, Ms. Mantele explained to Commissioner Melquist that a lighting and irrigation plan has to be submitted to the City for approval. Commissioner Melquist was also concerned with the number of conditions that were on the staff report. Commissioner Melquist wanted to know if the applicant was made aware of all of these conditions. Ms. Mantele stated that the applicant had received a copy of these conditions. Mr. Peitz stated that he did agree with all of the conditions that were presented to him. Commissioner Lohman asked about low income/section 8. Ms. Mantele explained to Commissioner Lohman that the qualifications will be income based. Commissioner Titus then brought up that she was concerned about the emergency access. Chief Wayne Peabody was present, and stated that the emergency access route seemed most suitable barring a complete re-design of the project and there are other apartments in town with a similar emergency access. Chief Wayne Peabody also stated that he wanted to make sure that the new ladder truck (60,000 lbs.) would clear the new trees. Commissioner Titus is concerned with the location of the garbage dumpsters as well as the size. Ms. Mantele stated the applicant would have to use reinforced concrete in the area of the dumpster which could be considered a condition. Commissioner Melquist made a **motion** to add landscaping to north 15 foot setback and East 6 foot setback. **Motion died due to lack of second.** Commissioner Titus at this time stated that there were a lot of unanswered questions. Commissioner Woods explained that there are a lot of conditions, and wanted to make sure that staff would see that the applicant can meet all of the conditions. Commissioner Domenighini asked to see a separate landscape plan. Mr. Peitz asked for permission to open back up the comment section. Mr. Peitz was frustrated in the fact that the Commission was asking for more plans, which was going to cost his client more money. Mr. Peitz said that he couldn't justify going forward until they have gone through the Design Review. Mr. Peitz continued to explain to the Commission that if this was approved, then they can spend their client's money in confidence. Commissioner Melquist made a **motion** to adopt the finding that the project qualifies as a Categorical Exemption and approve the site plan design and to add a condition to add the Landscaping on North Side and East Side. Commissioner Lohman **Seconded** the motion. Motion carried. Chairperson Domenighini asked staff whether this comes back to the Planning Commission to re-look at the Emergency Access and garbage dumpsters. Ms. Mantele stated the Conditions of Approval cover those and the City Staff will review any plans.

Conditions of Approval

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction, revisions, or additional uses, which are not covered by this review, shall be submitted to the City Manager/Planning Commission for review and approval.
3. As no signage has been proposed at this time, consistent with the City's Comprehensive Sign Ordinance, all proposed signs must be submitted to and approved by the City Manager/Planning Commission prior to installation.
4. The development of this site shall be in accordance with the approved site plan submitted, dated April 18, 2007, and on file in the City of Willows Planning Department. All aspects of construction must be completed prior to occupancy. Modifications to plans may be granted only by the City authority that approved the project.
5. The applicant shall pay all actual costs for City review and inspection services.
6. That all conditions required by the Planning Commission to include the parking area, sidewalks, and landscaping shall be completed prior to occupancy of the structure.

PUBLIC WORKS/ENGINEERING

7. All requirements of the Engineering/Public Works Department shall be completed prior to occupancy.
8. A grading and drainage plan prepared by a registered Civil Engineer shall be submitted for review and approval showing the existing and proposed contours at intervals to show the extent of cut and fill. Include elevations to show all existing and proposed grades, draining facilities, and utility connections, locations and principal elevations of such facilities and connections.

- Plan shall show how onsite drainage will connect with the existing storm drain system to assure that the project will not result in any drainage onto neighboring properties.
9. Grading shall be done during periods of dry weather unless erosion control measures are incorporated during wet weather to prevent siltation from grading project.
 10. Applicant shall provide a site plan showing the approximate centerline of Sycamore Street.
 11. Driveway approach width and all other improvements shall conform to City standard details.
 12. The sewage lift station is located on the subject property which must be shown on an approved site plan and must include the City right-of-way line in relation to the pump station.
 13. Applicant shall provide a utility sheet for review and approval showing all existing and proposed utilities and easements.
 14. Utility plan shall be approved by California Water Service prior to City approval.
 15. Any relocation or rearrangement of existing utility services to accommodate the project will be at the developer's expense.
 16. All connections to City infrastructure, to include water, sewer and storm drains, shall be reviewed, approved, and inspected by the City of Willows Public Works Department prior to the covering of the improvements.
 17. Applicant shall provide a soils report prepared by a registered Civil Engineer or a licensed geotechnical engineer.
 18. All off-street parking area shall be paved with asphalt and or concrete.
 19. The applicant shall pay all actual costs for the City review and inspection services.
 20. Applicant shall be required to obtain a Storm Water permit and NOI from the RQQCBD along with a SWPPP erosion and sediment control plan. City to receive a copy of storm water permit.
 21. The project shall result in no net increase of runoff of peak 100 year storm flows.
 22. Applicant shall submit a final landscape and irrigation plan to the City for review and approval showing the onsite and off site improvement, the locations of all sprinkler pipes and heads, the method of irrigation, and all lights or other utilities or structures if within the planted area. All tree widths/ areas shall be planted according to the best landscape practices according to the City of Willows Master Tree list.
 23. Landscaping is required along the north and east sides of the property.
 24. All proposed landscaping must be approved by the Public Works Department prior to installation.
 25. Applicant to provide a trash enclosure that can be easily accessed by the solid waste provider, and illustrate by providing a turning movement template for a standard garbage pick up vehicle. Trash enclosure to be screened.
 26. Applicant to provide detail of structural road section from Sycamore Street to waste enclosure to support heavy loading.
 27. Applicant shall be responsible to contribute to his fair share of modifying the Sycamore Street sewage lift station with a maximum contribution not to exceed \$5,500.
 28. Applicant shall provide an exterior lighting plan and photometric plan for engineer review and approval showing the total number and location of all light fixtures/luminaries, the elevation of light fixtures, and total height of light standard. Provide cut-sheets for each light fixture, specifying color, type, height, dimensions, and materials. All lighting will need to be shielded so as not to create a glare or hazard on adjoining streets or be annoying to adjacent properties or residential areas.

BUILDING

29. Applicant to submit approved architectural site plan, and floor and roof plans drawn to scale for all proposed structures for review and approval prior to obtaining building permits. Plan must indicate the managers unit. Site plan to show location of apartment mail boxes, including size and materials.
30. Developer shall comply with all applicable building codes for multi-unit dwellings. Plans shall conform to ADA regulations regarding accessibility.

FIRE

31. Developer shall provide detail of structural section of emergency vehicle access area sufficient to hold a 60,000 pound vehicle.
32. All units shall have the apartment number clearly displayed on front entry.
33. Location of fire hydrants shall be approved by the Fire Chief.
34. Emergency Vehicle access must be properly signed or marked as such.

PRESENTATIONS/DISCUSSIONS

COMMISSION COMMENTARY:

Interim Gail Wingard presented this item to the Commission. Mr. Wingard stated that he would like to discuss the items from the Joint Planning Commission/City Council Meeting. Mr. Wingard stated that he would like staff to handle the Burn Letter that was discussed. Mr. Wingard also stated that he would like a priority list on these issues. The Planning Commission discussed the priority list, and the results are as follows:

- Code Enforcement/Signs
- Storage Bins
- Burn Letter

Karen Mantele explained to the Commission that she has gathered information from other jurisdictions in regards to the storage bins. Commissioner Lohman made mentions that she would like to work on the Circulation Element. Chairperson Domenighini asked that the Circulation Element be discussed at the next Planning Commission meeting.

Mr. Wingard discussed the South Willow Sub-Division. He further explained they are preparing 571 homes to be built, and they have been approved for a full Environmental Impact Report. Mr. Wingard also explained that a check for \$82,000 has been submitted, and that the project should be completed by August of next year (14 months from now). Karen Mantele explained to Mr. Wingard, as well as the Commission that she has been asked by the developer to put the project on hold for a re-design.

ADJOURNMENT: The meeting adjourned at 10:07 p.m.

LARRY DOMENIGHINI, Chair

Mallorie Vasquez, Minute Clerk