

**MINUTES OF THE WILLOWS PLANNING COMMISSION MEETING**  
**HELD August 20, 2008**

1. The meeting was called to order at 7:00 p.m. by Chair Person Domenighini.
2. **PLEDGE OF ALLEGIANCE:** Commissioner Melquist led the Pledge of Allegiance.
3. **PRESENT:** Woods, Warren, Melquist & Domenighini  
**ABSENT:** Thur
4. **AGENDA REVIEW:** There were no recommended changes by the Commission or Staff and the Agenda for August 20, 2008, was accepted as presented.
5. **PUBLIC COMMENT:** None
6. **CONSENT AGENDA:** It was **moved** by Commissioner Warren and **seconded** by Commissioner Woods to approve the Consent Agenda as presented. The motion was unanimously passed and the following items were approved / adopted:
  - a) Minutes of Planning Commission Meeting held July 16, 2008.
7. **PUBLIC HEARINGS:**
  - a. **Conditional Use Permit – Hassan Behzadi (File #UP08-09)**

City Planner Karen Mantele introduced the Conditional Use permit application submitted by Hassan Behzadi requesting allowance to use a non-conforming fifteen foot high pole sign to advertise two businesses located at 1237 – 1241 W. Wood Street. Additionally, Mr. Behzadi is requesting additional signage in the amount of 28.6 square feet. Currently one business is located in the front suite, and another business is proposed in the corner suite. Round Table Pizza is located in the larger portion of the building but will not advertise on this pole sign. The project location is located in the Highway Commercial Zone.

The City Building Permit file indicates that the existing fifteen-foot high pole sign was constructed in 1988, prior to the current Sign Code. There exists another pole sign located south of the subject pole sign used by Round Table Pizza which was installed in 1995. The subject pole sign was structurally engineered at the time of installation for one double-faced cabinet sign. At the time the property owner contacted the City to use this pole sign, there were three bootlegged sign cabinets attached to the pole sign. The property owner was asked by the City to remove the three non-permitted signs, which has been done.

Section 10.19(3) *Non-conforming signs/Alterations Removal*, states that at such time as a non-conforming sign is altered (to include change of sign face) it must be brought into conformance with the provisions of this Zoning Ordinance. Additionally, per Zoning Code section 7.09(7), any non conforming use or building may be permitted to be enlarged, extended, reconstructed, or structurally altered after first securing Use Permit approval. Therefore, in order to allow the use of this non-conforming sign, Use Permit approval is required.

The subject pole sign is approximately 15 feet high. Code Section 10.15(2)(d) *Commercial Districts* states signs shall not be higher than eight (8) feet if pole-mounted. As previously stated, this sign was

installed prior to the current sign code. Therefore, the height of the pole sign is what makes this sign non-conforming.

The pole sign will be used to advertise two businesses - a Donut Shop, and another business yet to be named. Per the Sign Code, all signs in the Highway Commercial District are allowed signage based upon the linear building frontage. Based on this calculation, the Donut Shop is allowed a total of 56 square feet of signage. The one sign currently located above the business entrance is 30 square feet, leaving an additional 26 square feet to be used. The pole sign will allow 27.3 square feet of signage to be used by each suite. Therefore the request is to allow the Donut Shop an additional 1.3 square feet of signage.

The vacant suite is allowed a total of 15 square feet of signage based upon their linear building frontage. Since there is no business in the suite yet, one could assume that the 15 square feet would be used for a sign above their entrance and utilizing the pole sign as their secondary sign. As stated, one-half of the pole sign would allow each suite 27.3 square feet of sign area. Therefore the request is to allow the vacant suite an additional 27.3 square feet of sign area. The total amount of additional signage requested is 28.6 square feet. (1.3 + 27.3=28.6).

Code Section 7.09(1)(B) states that if any non-conforming use is abandoned or discontinued for any reason for a period of six (6) months or more, then subsequent land use shall be in conformity with the provisions of this ordinance. If the use of this pole sign for any business located in these two suites is discontinued for a period of 6 months, the use of the sign will be considered abandoned and such use will require Use Permit approval from the Planning Commission. Additionally Code of Ordinances Section 4-150 states that any advertising copy or message existing at any time which no longer advertises a bonafide business, shall be removed by the owner upon 30 days notice from the Building Inspector. If such use of sign is no longer used for advertising purposes, such sign shall be removed. With that, Ms. Mantele requested that Chairperson Domenighini conduct the public hearing to allow for comments.

Chairperson Domenighini opened the Public Hearing at 7:08 p.m. to allow citizens of the community an opportunity to speak on this item. No members of the public chose to speak during the Public Hearing and the applicant was not present at the meeting to speak. Chairperson Domenighini then stated that he received a letter from Ron Martine, Chairman of the Citizens For Economic Stability group (Group) The letter was a request for the Planning Staff to address some concerns their group had regarding this Use Permit Application. The Questions were:

1. All reasons why this pole sign is identified as “non-conforming” as stated on the agenda.
2. Explanation of how the fees were calculated for the CUP.
3. Clarify who can and describe the process by which this CUP may be appealed.

Chairperson Domenighini asked that Ms. Mantele please address the questions posed in the letter, and the answers will serve as the official record in responding to the letter. Chairperson Domenighini stated that the Group can obtain a copy of the answers by requesting a copy of the official minutes of this meeting, once the minutes are approved by the Commission.

Ms. Mantele addressed / answered the questions as follows:

1. All of the reasons why this pole sign is identified as “non-conforming” as stated on the agenda were outlined in the staff report. The minutes of this meeting will also list and identify the specific code sections which state the reason(s) that the sign is identified as “non-conforming”.

2. The fees for this application were charged pursuant to the latest Fee Schedule which was adopted by the Willows City Council on April 8, 2008, by Resolution # 18-2008. The adopted fees went into effect on July 1, 2008.
3. For clarification purposes, Ms. Mantele explained to the Commission that a Conditional Use Permit can not be appealed, however, a *decision* by the Commission regarding the Conditional Use Permit may be appealed to the City Council by any member of the public by addressing their appeal in writing and filing the appeal with the City Clerk within ten days of the Commission's action, pursuant to Section 26.06 of the City of Willows Zoning Ordinance.

After Ms. Mantele addressed the questions, Commissioner Domenighini closed the Public Hearing at 7:13 p.m.

Brief Council discussion ensued and it was **moved** by Commissioner Melquist and **seconded** by Commissioner Warren to adopt a Resolution of the Planning Commission of the City of Willows approving Conditional Use Permit (File# UP08-09) for Hassan Behzadi to allow use of a fifteen foot high non-conforming pole sign for two businesses and allow for additional 28.6 Square feet of signage for two suites for property located at 1237-1241 W. Wood Street (APN 005-370-021 & 005-370-022). The motion was unanimously passed.

**8. REGULAR BUSINESS:**

**a. Home Occupation Permit (File #H008-01)**

Ms. Mantele explained to the Commission that Mary Ann Knowles has applied for a Home Occupation Permit in order to allow use of a portion of her single family dwelling for a massage therapy business. The dwelling is located in the General Commercial zoning district and according to assessor records, was constructed in 1952, prior to the current zoning map and ordinance being adopted. This makes the structure non-conforming. The Code sets regulations that must be adhered to regarding allowing Home Occupations. The regulations are that (1) it must be confined within a legal structure and occupy not more than 25% floor space, (2) involve no sale of merchandise other than that which is directly related to the services offered, (3) is carried out by the member of the family occupying the dwelling with no employees, (4) produces no evidence of its existence beyond the premises, (5) permits a two square foot sign (6) does not generate pedestrian or vehicular traffic beyond the normal neighborhood use, and (7) meets the requirements of the Chief Building Inspector and Fire District.

The applicant indicated on her site plan and application that she will use a 10'8" x 9'7" room within the 1,264 square foot dwelling, which equates to 8% of the dwelling to be utilized, which is in compliance with the Home Occupation regulations. The applicant will be the sole person with no employees and intends to sell massage accessories to her clients, which is also in compliance with the regulations. The applicant also stated that there would be no modifications to the existing dwelling, therefore no building permits would need to be issued; however there will be a condition indicating that any modifications, if made in the future, would require the issuance of a building permit. The Fire Department will require the applicant to install proper exiting and fire protection devices. There was no sign request with the application, however, as stated earlier, the code does permit a two square foot sign on the property. With that, Ms. Mantele stated that she would be happy to answer any questions. The applicant, Mary Ann Knowles was present and inquired about whether she would need to go through the Home Occupation process again if she were to relocate to another residence. Ms. Mantele stated that yes she would have to go through the process again, as a Home Occupation is attached to

the dwelling/parcel with which it is approved, and is non-transferable if the owner chooses to relocate. There were no further questions by the applicant.

Brief Commission discussion ensued and it was **moved** by Commissioner Melquist and **seconded** by Commissioner Woods to adopt a Resolution of the Planning Commission of the City of Willows approving a Home Occupation/use permit (File # HO-08-01) for Mary Ann Knowles to allow establishment of a massage therapy business within an existing single-family dwelling for property located at 304 S. Butte Street (APN 003-071-005). The motion was unanimously passed.

**b. Consider cancellation of the September 3, 2008, Planning Commission Meeting:**

Ms. Mantele stated that there are no pending agenda items for the next regular Planning Commission Meeting of September 3, 2008, so she is requesting that the Commission consider canceling the meeting. The Commission agreed to cancel the September 3 meeting and the next Planning Commission Meeting is scheduled to occur on September 17, 2008.

**9. COMMISSION COMMENTARY**

1. Chairperson Melquist inquired where we were at in revising the Sign Ordinance. Ms. Mantele explained that it is currently in the process of being re-written.
2. Ms. Mantele gave brief updates on the status of the Wal-Mart Super Center. She explained that revised plans have been submitted and are out for agency/department review. She has already received comments back from a few agencies. This item should be returning to the Planning Commission either in September or October for Design Review approval and an amendment to their Conditional Use Permit. She also stated that the Holiday Inn Express Lighting Design Review will be coming before the Commission at the September 17, 2008 Planning Commission Meeting and possibly another item.

ADJOURNMENT: The meeting was adjourned at 7:29 p.m.

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LARRY DOMENIGHINI, Chairperson

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Natalie Butler, Minute Clerk