

**MINUTES  
PLANNING COMMISSION REGULAR MEETING  
NOVEMBER 16, 2010**

**1.0 CALL TO ORDER**

The Regular Meeting of the Planning Commission of the City of Highland was called to order at 6:00p.m. by Chairman Hamerly in the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present: Commissioners John Gamboa, Richard Haller, Milton Sparks, Michael Stoffel and Michael Willhite, Vice Chairman Trang Huynh and Chairman Randall Hamerly

Absent: None

Staff Present: John Jaquess, Community Development Director  
Ernie Wong, City Engineer / Public Works Director  
Lawrence Mainez, City Planner  
Bruce Meikle, Senior Planner  
Linda McKeough, Administrative Assistant III

**2.0 COMMUNITY INPUT**

There was none.

**3.0 CONSENT CALENDAR**

**3.1 Minutes of September 7, 2010, Regular Meeting.**

Approved, as amended.

On Page 8, First Paragraph, First Sentence was amended to read as follows: "Commissioner Willhite asked Mr. Butler if the Club served alcoholic beverages..."

On Page 11, Second Paragraph, Second Sentence was amended to read as follows: "Hearing none, discussion then continued."

On Page 11, Last Paragraph, next to the last Sentence, was amended to read as follows: "...and then they deal with it after the fact has been their M.O. and that's what has brought this from day one to where we are at right now."

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On Page 14, Third Paragraph, First Sentence was amended to read as follows:  
“approved with Building and Safety for the CUP...”

3.2 Minutes of October 19, 2010, Regular Meeting.

Approved, as amended.

On Page 4, Fourth Paragraph, First Sentence was amended to read as follows:  
“...5) the new Green Code does not effect renovation, just new construction at this time; 6) commended the City with obtaining the LEED Certificates...”

**A MOTION** was made by Commissioner Willhite and seconded by Commissioner Gamboa to approve the Minutes of September 7, 2010, and October 19, 2010, as amended.

Motion unanimously passed on a 7 – 0 vote.

**4.0 AGENDA ITEMS**

4.1 A Conditional Use Permit Application (CUP 008-012) for the Entitlement of a Three (3) Phased Project which includes:

- a. Phase I - Service Station / Convenience Store
- b. Phase II - Conversion of an existing Apartment Complex into a 36 room Motel
- c. Phase III- New Three-story, 36 room Motel adjoining Phase II Motel for a combined total of 72 rooms

The Planning Commission initially opened the Public Hearing for this Item at its August 17, 2010 Regular Meeting, but the Applicant requested the Item be continued to the Commission’s September 21, 2010 Meeting. At the Planning Commission’s September 21, 2010 Meeting, the Applicant requested the Item be continued to the Commission’s November 16, 2010 Meeting. The Applicant is now requesting the Item be continued to the Planning Commission’s December 7, 2010 Meeting. The location is an approximate 2.11-acre Site consisting of four (4) adjoining properties located at the northwest corner of Highland and Victoria Avenues (26492 Highland Avenue, and 6446 & 6476 Victoria Avenue) (APN’s: 0285-742-07, -08, -09 & -10). Representative: Balbir Jhawar, Applicant

Chairman Hamerly identified the Item and called for Staff’s presentation.

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City Planner Mainez gave the presentation from the Staff Report and indicated the Applicant and his Attorney are making progress with Staff concerning issues discussed at the last Meeting and that the Applicant is not present, but requested the Item be continued to December 7, 2010.

**A MOTION** was made by Vice Chairman Huynh and seconded by Commissioner Stoffel to continue this Item to its December 7, 2010, Regular Meeting.

Motion unanimously passed on a 7 – 0 vote.

4.2 Highland Crossings II – Updated Monument Signs. The location is 27811 Greenspot Road, Highland, California. Representatives: Tom Robinson and Ed Horowitz (Property Owners) and Milton Solomon (Sign Company – ADS Companies)

Chairman Hamerly identified the Item and called for Staff's presentation.

City Planner Mainez gave the presentation from the Staff Report and PowerPoint presentation and explained the detailed Project and the historical background, along with the Applicant's request to the Commission. He explained the Applicant or the Applicant's Representative is not in the audience and then concluded his presentation.

Chairman Hamerly asked if the Commission had any questions of Staff.

Discussion ensued between the Commission and Staff regarding the replacement of the In-N-Out Sign and that it would fall within the parameters of the Sign Program.

Chairman Hamerly asked if the Commission had any questions of Staff. Hearing none, he then opened the Public Hearing. Chairman Hamerly asked if anyone in the audience would like to speak on the Item. Hearing none, he then closed the Public Hearing and opened the floor for discussion amongst the Commissioners. There being no further questions of Staff, or discussion amongst the Commissioners, he then called for the question.

**A Motion** was made by Commissioner Haller and seconded by Commissioner Sparks that the Planning Commission determined the Minor Modifications to the Highland Crossings Monument Signs to be consistent with the Approved Sign Program and Directives.

Motion unanimously passed on a 7 – 0 vote.

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- 4.3 Revision to Condition Application (REV-010-002): A request to delete and/or modify Engineering Condition Number 17 related to a Major Design Review Board approval Case Number DRB-98-010. The Project is located at 27160 Meines Street, Highland, California (generally located between Meines Street and the City Creek bypass Channel, east of Palm Avenue). Representative: KCB Tower, Inc., Miles Bogh, Vice President (Molly Bogh, representative)

Chairman Hamerly identified the Item and called for Staff's presentation.

City Planner Mainez gave the presentation from the Staff Report and PowerPoint presentation and explained the detailed Project and the historical background, along with the Applicant's request to the Commission. He explained the Applicants are in the audience and then concluded his presentation.

Chairman Hamerly asked if the Commission had any questions of Staff. Hearing none, he then opened the Public Hearing and asked if the Applicant would like to make a presentation.

Ms. Molly Bogh, 27878 Edward View Drive, Highland, California, representing KCB Towers, addressed the Commission. She indicated that she is the property owner of three (3) parcels and then thanked and expressed her appreciation of Staff and the Commission. She explained how they tried to acquire an Easement along the northerly portion of their property and concurred with the Staff Report and requested the Commission approve Staff's recommendation. Ms. Bogh indicated Mr. Jay Bogh is also here to answer any questions the Commission may have.

Mr. Jay Bogh, 9995 Carol Drive, Yucaipa, California, representing KCB Towers, addressed the Commission. He stated that he, too, appreciates the Commission and Staff and requested the Commission consider the Applicant's request and the Commission approve Staff's recommendation regarding the amendment to the Conditions.

Chairman Hamerly asked if the Commission had any questions of the Applicants.

Discussion ensued between the Commission, Mr. Bogh and Staff regarding the Applicants' property is maintained and that the property has chain link fencing to City Creek and that the property is also landlocked. Indemnification and liability issues were also discussed.

Chairman Hamerly asked if anyone would like to speak on the Item. Hearing none, and there being no further questions of Staff, or discussion amongst the Commissioners, he then closed the Public Hearing and called for the question.

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**A Motion** was made by Commissioner Haller and seconded by Commissioner Gamboa to Approve Option No. 1 and Adopt Resolution No. 10-018 approving the Applicant's request to delete the existing DRB-98-010 Engineering Condition No. 17.

Motion unanimously passed on a 7 – 0 vote.

- 4.4 Municipal Code Amendment 010-006 (MCA 010-006), a City initiated Municipal Code Amendment to Update and Amend the existing Sign Regulations, Chapter 16.56 of Title 16, the Land Use and Development section of the City of Highland Municipal Code (Sign Code Update) – a City Council Goal. The Municipal Code Amendment 010-006 (Sign Code Update) will apply to all Zoning Districts City Wide.

Chairman Hamerly identified the Item, explained the Commission will open the Public Hearing, but will take no action tonight and that the Commission is just receiving input / comments from the audience and then called for Staff's presentation.

Senior Planner Meikle distributed a letter from Thrifty Oil Company dated November 16, 2010, and he gave the presentation from the Staff Report and PowerPoint presentation and explained the proposed Code Amendments and historical background to the Commission. He also explained he had received four (4) telephone calls prior to the Meeting from business owners and then concluded his presentation.

(Note: City Engineer Wong left the Chambers at 6:22 p.m.)

Chairman Hamerly asked if the Commission had any questions of Staff.

Discussion ensued between the Commission and Staff regarding if the Prohibited Signs would be retroactive and Staff responded no, and that it would be for New Signs and provided examples and how a project would be reviewed today under the existing Sign Regulations and the timeframe when the Standards for the Draft Sign Code would come into effect. Staff recommended the Commission to open the Public Hearing and hear testimony, but continue the Public Hearing to December 7, 2010 and at the end of the Public Hearing, the Commission would take action and make a recommendation to the City Council for its consideration and which would include the Commission's comments into the Draft document.

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Further discussion ensued between the Commission and Staff regarding if a List/ Inventory of Pole Signs / Owners had been conducted, and if so, how many. Staff responded there are eighty-seven (87) properties that have existing Pole Signs on them that those Owners were mailed notices for tonight's Meeting and is a preliminary review and how the Sign Code Subcommittee wanted the property owners to be advised of tonight's Commission Meeting, and the existing Pole Signs are legal, non-conforming Signs and there is no sunset clause under the existing Ordinance. Staff indicated there is a member of the Sign Code Subcommittee present in the audience.

Chairman Hamerly asked if the Commission had any further questions of Staff. Hearing none, he then opened the Public Hearing and asked if anyone in the audience would like to speak on the Item.

Ms. Pamela Beachtel-Bible, 27263 Main Street, Highland, California, representing the Tartan Building, addressed the Commission. She spoke about the proposed changes in the Sign Ordinance and how they are needed in order for the City to get modern and keeping standards updated, but couldn't understand with changing of the Pole Signs and how they have been in existence for a long time and how in seven (7) years they have to be removed. The (Tartan) Building has been there for forty (40) years and the (Pole) Sign for at least thirty (30) years and indicated when it was installed, it was permitted by the County and explained how it is maintained. Ms. Beachtel-Bible was fine with the proposal for compliance with new construction. She indicated that it is not fair because her Sign was legal at that time, not only now with new construction and cost maintenance, there is also a cost to remove and to reconstruct it for compliance and reiterated that it is unfair. It is affecting the older businesses in Highland and how those businesses have contributed the longest to the economy and those are the ones that are going to be penalized. At the time that the Tartan Building was constructed, is designed as a long "L" shape and many businesses do not face Base Line and if the Pole Sign is removed, the businesses will lose their visibility and they need to promote their businesses and how the new buildings constructed now can see their Signs. They need to keep their customers in order to pay rent and some day, may have to change the Sign/ Building, but until those changes are necessary, keep the existing Pole Signs. This is their second Pole Sign and how it is kept maintained, painted and reiterated until their Building is changed. She then thanked the Commission.

Chairman Hamerly then called for Mr. Jose Rodgers, 27112 East Fifth Street, Highland, California, to address the Commission, but evidently had left the Chambers.

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Mr. Brian Harris, 26091 Base Line, Highland, California, representing K & L Hardware, addressed the Commission. He stated how K & L has been there for thirty-three (33) years and they have a large Pole Sign in front of their Store and that their business trademark is listed on that Sign. Mr. Harris is opposed to the removal and amortization of seven (7) years or any length of time of the Pole Signs and further explained how they keep their Pole Sign maintained in good order and if keeping with protocol, agrees with the Base Line Corridor to look nice, but if K & L has to remove their Pole Sign, it will hurt their business.

Discussion ensued between the Commission and Staff regarding the number of options with provisions and the feasibility of allowing the Pole Signs and how Staff could work with the property owner to enhance them and then Staff provided / explained Pedestal Signs examples to the Commission. Staff further explained what transpired at the Subcommittee regarding Pole Signs' appearance change / enhancements and with phasing them out over time and possibly could be debated by the City Council.

A comment was made by a Commissioner that if the Commission feels strongly about it, that the Commission can send up a Revised Draft, based on public input, with a recommendation to the City Council stating the negative impact on business and recommend the Commission's Draft to the City Council.

Ms. Amie Sriruksa, 26001 Base Line, Highland, California, representing Double Dish Thai Cafe, addressed the Commission. She stated she is a new business owner of four (4) years and has a non-conforming Pole Sign on Base Line / McKinley. She was concerned with limiting / replacing the Pole Sign with a Monument Sign and how that area is not good for a Monument Sign and is opposed to the proposed revisions. She stated how she needs a Pole Sign and has been in existence there for years and then distributed a Materials Board proposed for her existing Pole Sign to the Commission for consideration. She further stated how her business is the same as Ms. Beachtel-Bible and has customers tell her that they did not know that her business is located there and that it is not fair for compliance with the new proposed Sign Code for the old Pole Signs.

Discussion ensued between the Commission, Ms. Sriruksa and Staff regarding how there is illegal temporary signage up above her Building, as well as the Pole Sign and how she has been fighting with the City for two (2) years over it. Staff asked Ms. Sriruksa if Staff could temporarily keep her Materials Board and that Staff would get it back to her. The Commission explained that they are unable to make an exception for an individual Sign and the Sign Code is for the entire City and Ms. Sriruksa responded that she might agree with parts of the Ordinance, but not with the entire Ordinance and indicated that her Building was an old Building similar to the K & L Building and how that area was "old town Highland".

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A comment was made by a Commissioner that the Commission can include with certain areas in Highland.

Ms. Barbara Franco, 27141 Base Line, Suite 3, Highland, California, representing Franco's Barbershop, addressed the Commission. She explained how the Sign located at Ms. Beachtel-Bible's Tartan Building, that no one messes with it and it not tagged with graffiti, the Sign looks good and is unable to see her business from the street (Base Line) and would put her out of business without the Pole Sign. She then thanked the Commission.

Mr. Jim Nunn, 28695 Arroyo Verde, Highland, California, representing Mr. Nick Frontos of Pepper Steak, addressed the Commission. He stated how he echoed Ms. Beachtel-Bible's comments and explained how Peppersteak superseded the City's incorporation and how their Pole Sign was installed when it was San Bernardino County and had met all of the requirements. It was originally Big John's Burger Factor before it was Peppersteak and Peppersteak has been around since 1976. He asked if the City would reimburse if the Pole Sign is removed and install a Monument Sign. He also asked about equity with the Pole Sign's at Lowe's or with the Car Wash / Service Station on Base Line (the Shell Station) that can be seen from the Freeway. These eighty-seven (87) businesses have been long time contributors to the economy of Highland, it's a matter of equity and taking the property without reimbursement. The Commission responded how the Sign at Lowe's (and Shell Station) are Freeway-oriented Signs.

Mr. Brian Harris, 26091 Base Line, Highland, California, representing K & L Hardware, addressed the Commission. He indicated with the proposed seven (7) years amortization period of time for the Pole Signs and proposed Monument Sign replacement, there will be tagging going on the Monument Sign. Their current Pole Sign is approximately ten feet (10') tall. If it came to the matter of taking the Pole Signs down, the business owner should have the opportunity to beautify / enhance it and would be more appealing at a street level and reiterated the business owner should have that opportunity. He then thanked the Commission.

Chairman Hamerly then asked if there was anyone else in the audience who would like to speak on the Item.

Mr. Curtis Skalet, owner of Southwest Engines, 25333 Fifth Street, San Bernardino, California, addressed the Commission. He indicated his Pole Sign was installed in 1980 and designed, permitted and constructed by Quiel Brothers and at that time, the cost then was \$5,000 and with replacement cost now, it would be over \$10,000 for an equivalent Sign to be constructed and asked what does the City have in mind to help accomplish this. He then asked what about

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enforcement and if the Sign can be condemned if the business is closed / vacant for a certain amount of time, is unreasonable and that the Sign was built for that facility and that is the only Sign the facility has. It might be even illegal to condemn the Sign and tear it down. He received a letter from the City dated November 8, 2010, after November 8, and did not have enough time to prepare for this and the letter should have been mailed out sooner and is unfair to the people. With regards to the Monument Sign specifications, his Sign fell within those guidelines, except Elevations (maximum allowable height for the Sign), which probably could be changed, and something that he may be interested in considering, but it still comes back with the cost spent on the Sign and his Sign provides better visibility than any of the other signs and he needs the visibility for the business. He indicated that he will send a response to the City.

Discussion ensued between the Commission and Staff regarding the maximum allowable height for the Monument Signs and how the audience are welcomed to return for the December 7, Meeting.

Mr. David Lim, 7697 Sterling, Highland, California, representing on behalf of his Mother, for Jolly Boys Liquor, addressed the Commission. He had concerns with the existing Sign and explained how they already had replaced with Red Neon and if they have to take their Sign down, how it will be hard to distinguish their convenience store. He asked if their business has to conform to the proposed Sign Code, in order to remove blight and improve the aesthetics of the Building. There should be a rationale for businesses open for a long period of time, and if the Signs were taken down, or modified, it might have an overall impact on the business itself. He explained that he is supportive, but if the business goes down, it's not good for the business or the consumer and would effect Highland in a negative way and indicated that it comes down to the cost and if there would be any reimbursement or Grants for assistance and he then thanked the Commission.

Chairman Hamerly then asked if there was anyone else in the audience who would like to speak on the item.

Mr. Jeff Stoffel, local Business Owner, a Member of the Sign Code Subcommittee representing the Highland Area Chamber of Commerce, addressed the Commission. He stated the Public Hearings are critical for the audience to realize and provide their feedback. The Subcommittee was a fairly diverse group and had some spirited conversations and good discussions and find it interesting tonight focusing on the Pole Signs. His position was more unique with the Pole Signs and suggested the City pay for the removal and to give opportunities to the business and is in agreement to phase out the Pole Signs. The proposed seven (7) years period of time for amortization for the Pole

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Signs, he believed is too short and needs a longer time for fund allocation and suggested fifteen (15) years and plan for the budget for the Sign replacement. With regards to the Subcommittee, that was a beginning stage for suggestions for the Commission with the Public Hearing process and for public input and feedback with Business Owners and is a good thing. Both the Subcommittee and Staff had made many changes to the proposed Sign Code, that has not been brought up tonight and focusing on the Pole Signs tonight and is a hot topic and is concerned with that. He then asked if the Commission had any questions for him. The Commission responded and thanked him for serving on the Subcommittee.

Discussion ensued between the Commission and Staff regarding if Staff had Exhibits that shows the height of the existing Pole Signs and readability once all of the street improvements are installed i.e. landscaping, median, tree height, etc. and that the height of the Sign may be in the tree canopy. A suggestion was made by a Commissioner to permit existing Pole Signs until such time Base Line Corridor or the Third Street / Fifth Street Corridor improvements are installed. Staff explained at present, there are no Exhibits for the Commission to review regarding the impact with the street improvements. The Commissioner requested the typical Exhibit profile to show the Median, Parkway, the trees' height, and optimum height for maximum visibility for businesses for the Building and Pole Mounted Signs within that existing Corridor and Staff responded that is something Staff could bring that back for the Commission to consider.

Chairman Hamerly asked if there was anyone else in the audience who would like to speak on the Item and expressed his encouragement for the public to attend the Commission's next Meeting and to also submit letters to the City and then thanked the audience for their participation.

The following are comments made by the Commission regarding the Sign Code: 1) on future Applications, add a Finding for Electronic Signs on the light intensity and how some of the Signs that currently exist, the light intensity is too bright and is distracting as a person drives by; 2) regarding the approval authority listed for the Signs, in some cases, it was with the Commission and in other cases, the Community Development Director, and an example was provided similar to window signage being reviewed / approved by the Commission, have the verbiage listed as the Community Development Director or otherwise, deemed appropriate language; 3) in the Penalty Section, how three (3) infractions then becomes a misdemeanor and an example of a business owner having temporary signage up for more than the allowed time and they do that three (3) times, it turns into a violation and asked if that is appropriate and how the rules are fairly detailed; 4) encourage more flexibility than what is currently shown in the Draft Ordinance with Pole Mounted Signs and is sympathetic for the older Buildings /

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Pole Signs and be reviewed on a case-by-case basis; 5) the seven (7) years moratorium time frame is inherently unfair without any incentive programs that would help businesses to change their Signs out; 6) tried to incorporate some flexibility and might be beneficial to have some of the same discussions as the Subcommittee had about what can be done short of changing the Pole Sign out; 7) concerned with street improvements blocking Pole Mounted Signs, but not knowing the time frame when the street improvements would be installed; 8) the Subcommittee did a fantastic job and how lots of work went into the Draft Ordinance, and; 9) the Exhibits are great and helpful in the proposed Ordinance.

Discussion ensued between the Commission and Staff regarding existing window signage on an existing business and asking about the Commission having authority approval and Page 20 Section 16.56.080 of the proposed Sign Code and whether or not it was for all window signs or possibly misinterpreting the Table listed on Page 21. Staff responded how Staff could not recall reviewing any proposed language and evaluates carefully with what Signs need to come to the Commission versus what can be acted upon at Staff level and appreciates the Commission's input. Section 16.56.080 Subsections "A" and "B" were also discussed and a suggestion was made by a Commissioner that a brief description for clarification purposes on Window Identification and Accessory Signage on "A" and "B" are would be helpful.

Discussion ensued between the Commission and Staff regarding the feasibility of regulating Pole Signs because of blight and whether or not the City could apply for a CDBG Grant and/or a Grant to the Business Owner in the future for upgrading the Pole Sign. Staff responded it would be a technical option even though the City typically does not receive a lot of funds from CDBG, but Staff can include that in the Commission's recommendation when the proposed Sign Code goes to City Council for consideration.

Discussion ensued between the Commission and Staff regarding Page 5, K.2 of the proposed Sign Code regarding enforcement and how fifteen (15) days is too long and suggested illegal signs located in the Right-of-Way be removed immediately and on private property may look at a time frame of seven (7) days. Staff responded how Code Enforcement removes the illegal signage from the Right-of-Way immediately and with regards to the private property, the owner has fifteen (15) days to claim their signage from the City, since it has already been removed, or it is disposed of. Staff explained on Page 35 of the Sign Code regarding the removal of illegal signage on private property was further discussed relative to Code Enforcement. A suggestion was made by a Commissioner that next time, the property owner needs to have a time frame in order to remove the signage, but not to give the property owner too much time.

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Discussion ensued between the Commission and Staff on Page 12 regarding Table 16.56.050.C on Political Signs and a suggestion was made by a Commissioner to revise the maximum number from N/A to regulate one (1) Sign per Candidate per one (1) parcel or no closer than one hundred or two hundred (100 to 200) yards and requested Staff to come up with something so not to see four or five (4 or 5) of that particular Candidate's Signs every twenty feet (20') coming down the street.

Discussion ensued between the Commission and Staff on Page 14 regarding "sundown daily" on Notes 2) and 3) and a suggestion was made to assign a time i.e. 6:00 p.m. / 7:00 p.m. and with daylight savings time, the Commission suggested use the later time.

Discussion ensued between the Commission and Staff regarding using people as Street Sign Holders and how they are a free speech issue and not a public hazard.

Discussion ensued between the Commission and Staff on Page 11, regarding Section B.1.a. on Temporary Signs or Banners, add the word, "fences" and if there are any places that say tree, rock, add "fences". Staff said the word "fences" was in there, but Staff removed it. Then the Commission then asked about if the Community Development Director has the ability to make the judgment call whether or not a proliferation for those types of signs and there has to be a check and an example was given as not wanting to end up with 1,000 lineal feet on banner after banner on Fifth Street. Staff responded that Staff could add verbiage "at the discretion of the Community Development Director". The Commission also found on Page 5, J. 9. and 10. to add the word, "fences" to the language. Signage on construction chain link fencing was also discussed.

Discussion ensued between the Commission and Staff on Page 24, Table 16.56.110.A on Directory Signs in the additional information revise from four square feet to six square feet.

Discussion ensued between the Commission and Staff on Page 2, 16.56.020 A.2. regarding Compliance Required regarding whether or not the cost for capital improvements to a property is the responsibility / compliance of the building owner as opposed to the business owner and Staff responded that Staff would defer that to the City Attorney for appropriate verbiage.

Chairman Hamerly asked if anyone else would like to speak on the Item. Hearing none, and there being no further questions of Staff, or discussion amongst the Commissioners, he then closed the discussion for tonight and called for the question.

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**A Motion** was made by Commissioner Haller and seconded by Commissioner Gamboa to continue the Public Hearing to the December 7, 2010, Regular Meeting.

Motion unanimously passed on a 7 – 0 vote.

## **5.0 ANNOUNCEMENTS**

Community Development Director Jaquess explained the Items tentatively scheduled for the December 7, 2010, Regular Meeting at 6pm and a Joint Study Session with the Historic and Cultural Preservation Board at 5p.m. that same night.

## **6.0 ADJOURN**

There being no further business, Chairman Hamerly declared the Meeting adjourned at 7:39p.m.

Submitted by:

Approved by:

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Linda McKeough, Community  
Development Administrative Assistant III

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Randall Hamerly, Chairman  
Planning Commission

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