

**MINUTES
PLANNING COMMISSION
CITY OF YUBA CITY
November 13, 2019
6:00 P.M. – REGULAR MEETING**

Materials related to an item on the Agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection at City Hall at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

Call to Order

Chairperson Eyeler called the meeting to order.

Roll Call

Commissioners in Attendance:

Dale Eyeler (Chairperson)

Michele Blake (Vice Chairperson)

Jana Shannon

John Shaffer

Daria Ali

Lorie Adams

Richard Doscher (Sutter County Representative)

The Pledge of Allegiance was led by a Commissioner.

Public Communication

You are welcomed and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comments on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will normally allotted five minutes to speak.

2. Appearances of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

Approval of Minutes

The minutes were acted upon by separate votes of the Planning Commission.

3. Minutes of January 9, 2019

Moved by Chairperson Eyeler to be heard after Agenda item No. 8. When subsequently called, motion to approve minutes for January 9, 2019 was called for approval.

Motion by: Commissioner Ali to approve January 9, 2019 minutes

Second by: Commissioner Shannon

Vote: All Commissioners voted aye, by assent.

The vote passed 7 – 0.

4. Minutes of October 23, 2019

Moved by Chairperson Eyeler to be heard after Agenda item no. 8. When subsequently called, corrections made to the minutes as follows:

- Item 7 (page 4) and Item 8 (page 5): Add agenda title descriptions of projects.
- Page 6, 10th Paragraph: Change “application” to “applicant.”
- Page 7, 3rd Paragraph: Add underlined text to sentence as follows: “... additional time if adequate progress had been made...”

Motion by: Commissioner Ali to approve the minutes, subject to the noted corrections.

Second by: Commissioner Shannon

Vote: All Commissioners voted aye, by assent.

The vote passed 7 – 0.

Public Meeting

5. **Dollar General Store: General Plan Amendment (GPA) 19-02, Rezone (RZ) 19-02, Development Plan (DP) 19-01, Tentative Parcel Map (TPM) 19-02 and the related Environmental Assessment (EA) 19-06 (Mitigated Negative Declaration).** The project is located on the east side of Garden Highway, north of River Oaks Drive (Assessor’s Parcel Numbers 54-010-037 and 54-010-039). The applicant is Steve Powell with Woodcrest REV. The proposed project consists of:

GPA 19-02: Amending the General Plan Land Use Map for the 2.08-acre property from Office and Office Park land use designation to a Community Commercial designation.

RZ 19-02: To rezone the subject property from an Office Commercial (C-O) Zone District to a Community Commercial (C-2) Zone District.

TPM 19-02: To Create two parcels of 1.00 acre and 1.08 acres.

DP 19-01: To allow the development of a 9,100 square foot retail store (Dollar General) on the northerly 1-acre Parcel A.

Mitigated Negative Declaration.

The Planning Commission will be making a recommendation to the City Council regarding the GPA 19-02, RZ 19-02, and the Mitigated Negative Declaration. The Planning Commission's decision on the TPM and DP (if approved) will be contingent upon the City Council's approval of GPA 19-02,, RZ 19-02, and the Mitigated Negative Declaration.

Recommendation:

A. Adopt a Resolution of The Planning Commission of The City of Yuba City Recommending The City Council (1) Adopt Environmental Assessment 19-06, A Mitigated Negative Declaration, for the Project; ii) Adopt General Plan Amendment 19-02; iii) and Adopt Rezone 19-02 for the project located on the east side of Garden Highway, north of River Oaks Drive (Assessor's Parcel Numbers 54-010-037 and 54-010-039)

B. Adopt a Resolution of the Planning Commission of the City of Yuba City Contingently Approving Tentative Parcel Map 19-02 and Development Plan 19-01 for the project located on the east side of Garden Highway, north of River Oaks Drive (Assessor's Parcel Numbers 54-010-037 and 54-010-039)

Item called. Staff made presentation, and the public was given an opportunity to speak on item. After the public hearing was closed, and after deliberation, a motion to approve Resolutions "A" and "B" was made by Commissioner Adams, and seconded by Vice Chairperson Blake.

The motion passed 7-0.

6. **Bogue-Stewart Master Plan: Specific Plan Amendment (SPA) 16-05, General Plan Amendment 14-05, Rezoning (RZ) 14-04 and Environmental Impact Report (State Clearing House # 2017012009) (EIR).** The 741-acre project is generally located south of Bogue Road, north of Stewart Road, west of South Walton Avenue and east of the Feather River Levee. Various Assessor's Parcel Numbers.

SPA 16-05: Bogue-Stewart Master Plan – the Master Plan, to be adopted as a specific plan, includes various land use designations for the 741-acre area that will create a new community in south Yuba City. This includes all types of residential uses, commercial, office, and light industrial uses, parks and open space and a potential K-8 school site.

GPA 14-05: An amendment to the General Plan that reflects the land uses proposed in the Bogue-Stewart Master Plan. The amendment will primarily include revisions to the General Plan's Land Use Element and Circulation Element, but also includes the other General Plan Elements as this is an expansion of the geographical area covered by the Yuba City General Plan. If approved, this could lead to an expansion of the City's sphere of influence and annexation of the properties into the City limits.

RZ 14-04: Preannexation Zoning that will reflect the City's updated General Plan and Bogue-Stewart Master Plan land use designations.

Environmental Impact Report: An EIR was prepared at a program level for the entire Bogue-Stewart Master Plan.

The Planning Commission will be making a recommendation to the City Council regarding SPA 16-05, GPA 14-05, RZ 14-04, and certification of the EIR.

Recommendation:

A. Adopt a Resolution Of The Planning Commission Of The City Of Yuba City Recommending The City Council (1) Adopt The Findings Required By CEQA Guidelines, Section 15091; (2) Certify The Environmental Impact Report (SCH #2017012009) For The Proposed Bogue Stewart Master Plan (A 741-Acre Specific Plan Area Located South Of Yuba City Between Bogue Road On The North And Stewart Road On The South), Including General Plan Amendment (GPA 14-05), And Rezoning (RZ 14-04), As Well As The Newkom Ranch Large And Small Lot Subdivisions (TSMs 14-06 And 14-07), The Kells East Ranch Large And Small Lot Subdivisions (TSMs 15-02 And 15-03), And Development Agreements Within The Planning Area; And (3) Adopt The Proposed Mitigation Monitoring And Reporting Program, And (4) Adopt A Statement Of Overriding Considerations, Pursuant To The California Environmental Quality Act. (CEQA Resolution)

B. Adopt a Resolution Of The Planning Commission Of The City Of Yuba City Recommending To The City Council Of The City Of Yuba City Adoption Of The Bogue-Stewart Master Plan (BSMP) And The Accompanying General Plan Amendment And Preannexation Zoning For Approximately 741 Acres Of Land Generally Located South Of Bogue Road, North Of Stewart Road, West Of South Walton Avenue And East Of The Feather River Levee (BSMP Resolution)

Item called. Staff made a presentation, and the applicant and multiple members of the public spoke on the item. After the public hearing was closed, and after deliberation, a motion to approve both Resolution “A” and “B” was made by Commissioner Adams, which was seconded by Commissioner Ali. Motion passed 7-0.

The Planning Commission subsequently considered Item 7 (Newkom Ranch Subdivisions and Development Agreement). Given the decision of the Planning Commission on Item 7 would require a modification to the Bogue-Stewart Master Plan, and before the close of the meeting, a motion to reconsider Item 6 was made by Commissioner Shannon, and seconded by Commissioner Doscher. The motion to reconsider passed 7-0.

After additional deliberation by the Planning Commission, Commissioner Ali made the following motion:

Motion to adopt Resolution “A” and “B” with the addition of a recommendation to Paragraph 3(b) of Resolution B that the Bogue-Stewart Master Plan be updated to provide for sidewalks to be installed within the existing right-of-way on both sides of Bogue Road between Columbia Drive and Railroad Avenue.

The motion was seconded by Commissioner Shannon, and passed 7-0.

7. **Newkom Ranch Subdivisions and Development Agreement:** This includes two subdivisions over the same 161-acre property that are within the Bogue-Stewart Master Plan. The subdivisions are located south of Bogue Road, north of Stewart Road and east of State Route 99 (Assessor’s Parcel Numbers 23-040-001, 004, 005, 062, and 064, and 23-380-007). The projects include:

Tentative (Large Lot) Subdivision Map (TSM) 14-06: A proposal to create 12 large lots ranging in size from 3.61 acres to 21.48 acres. Nine of the lots can be further subdivided under TSM 14-07 into small single-family residential lots, one large lot will be utilized for commercial uses, one large lot will be utilized for office uses, and one large lot will be utilized for multiple-family uses.

There will also be four additional large lots dedicated to the public consisting of 17.34 acres to be utilized for a community park, neighborhood park, and a stormwater drainage pond; and

Tentative (Small Lot) Subdivision Map (TSM) 14-07: A proposal to subdivide the nine residential large lots from TSM 14-06 into 423 single-family residential lots; and

Development Agreement (DA): A Development Agreement for the Newkom Ranch Subdivisions. This is a binding agreement between the City and the Developer spelling out items that go beyond the standard planning, zoning, and development and design standards that are required of the project; and

Environmental Impact Report: The EIR for the Bogue-Stewart Master Plan is also a “project” EIR since the Newkom Ranch Subdivisions are actual development projects. As such, the level of review for the two subdivisions is more detailed than the Master Plan analysis.

The Planning Commission’s decision on the subdivisions (if approved) will be contingent upon the City Council’s approval of the Bogue-Stewart Master Plan which includes all of the items in No. 6 above, including certification of the EIR.

Recommendation:

- A. Adopt a Resolution Of The Planning Commission Of The City Of Yuba City Contingently Approving The Newkom Ranch Subdivisions (Tentative Subdivision Maps (TSM) 14-06 And 14-07) Located At The Southeast Corner Of State Route 99 And Bogue Road; Assessors Parcel Numbers 23-040-001, 004, 005, 062, 064, And 23-380-007; and
- B. Adopt a Resolution Of The Planning Commission Of The City Of Yuba City Recommending To The City Council Of The City Of Yuba City Approval Of An Uncodified Ordinance For A Development Agreement With Newkom Ranch, LLC, For The Development Of The Newkom Ranch Subdivisions (TSM 15-02 And TSM 15-03); Assessor’s Parcel Numbers 23-040-001, 004, 005, 062, 064, And 23-380-007.

Item called. Staff made a presentation, and the applicant and members of the public were given an opportunity to comment on the item. After the public hearing was closed, and after deliberation, a motion to approve both Resolution “A” and “B” was made by Commissioner Ali, with the recommendation to the City Council that Paragraph 4.2.1 of the proposed Development Agreement be modified to read in relevant part with additional language (underlined) as follows:

“Bogue Road from Highway 99 to Railroad Avenue is to be constructed to the ultimate number of lanes required for traffic mitigation, including sidewalks on both sides of Bogue Road within the existing right-of-way between Columbia Drive and Railroad Avenue, as indicated in the master Plan Traffic Study with the development of ...”

The motion was seconded by Commissioner Shannon. Motion passed 7-0.

- 8. **Kells East Ranch Subdivisions and Development Agreement:** This includes two subdivisions over the same 93.5-acre property that are within the Bogue-Stewart Master Plan. The subdivisions are located south of Bogue Road, north of Stewart Road and west of State Route 99 (Assessor’s Parcel Numbers 23-010-005, 23-010-120, and 23-010-127). The projects include:

Tentative (Large Lot) Subdivision Map (TSM) 15-02 A proposal to create 4 large lots, ranging from 5.30 acres to 15.43 acres. Two of the large lots would be further subdivided under TSM 15-

03 into small single-family residential lots, one large lot will be utilized for commercial development and one large lot will be utilized for multiple-family development. There will also be four additional large lots dedicated to the public consisting of 36.79 acres to be utilized for a stormwater drainage pond and open space; and

Tentative (Small Lot) Subdivision Map (TSM) 15-03: A proposal to subdivide the two single-family residential large lots from TSM 15-02 into 147 single-family residential lots; and

Development Agreement: A Development Agreement for the Kells East Ranch Subdivisions. This is a binding agreement between the City and the Developer spelling out items that go beyond the standard planning, zoning, and development and design standards that are required of the project; and

Environmental Impact Report: The EIR for the Bogue-Stewart Master Plan is also a “project” EIR since the Kells East Ranch Subdivisions are actual development projects. As such, the level of review for the two subdivisions is more detailed than the Master Plan analysis.

The Planning Commission’s decision on the subdivisions (if approved) will be contingent upon the City Council’s approval of the Bogue-Stewart Master Plan which includes all of the items in No. 6 above, including certification of the EIR.

Recommendation:

- A. Adopt a Resolution Of The Planning Commission Of The City Of Yuba City Contingently Approving The Kells East Ranch Subdivisions (Tentative Subdivision Maps (TSM) 15-02 And 15-03) Located At The Southwest Corner Of State Route 99 And Bogue Road; Assessors Parcel Numbers 23-010-005, 23-010-120, And 23-010-127; and
- B. Adopt a Resolution Of The Planning Commission Of The City Of Yuba City Recommending To The City Council Of The City Of Yuba City Approval Of An Uncodified Ordinance For A Development Agreement With Bains Properties, LP, For The Development Of The Kells East Ranch Subdivisions (TSM 15-02 And TSM 15-03); Assessors Parcel Numbers 23-010-005, 23-010-120, And 23-010-127.

Item called. Staff made a presentation, and the applicant and members of the public were given an opportunity to comment on the item. After the public hearing was closed, and after deliberation, a motion to approve both Resolution “A” and “B” was made by Commissioner Adams and seconded by Commissioner Ali. The motion passed 7-0.

Development Services Director Report

Brian Millar, Interim Development Services Director, reported the following items:

- Moving forward, all minutes presented to Planning Commission will be action minutes with condensed notes
- No meeting will be held November 27, 2019 or December 11, 2019
- Pending Use Permit for AT&T – Monopole which will be 104 ft high on Von Geldern Way
- Planning Commissioners are invited for a special joint meeting with City Council on November 26, 2019 from 5:00 pm – 7:00 pm focusing on Harter Specific Plan at Council Chambers
- Planning Commissioners are invited for a City Council workshop which will focus on Development Impact Fees and Yuba City’s Growth Policy on December 2nd from 4:00 pm – 6:00pm

- City staff is working with City Attorney to host a meeting on Brown Act for all city bodies, estimating in January or February 2020
- League of Cities is hosting a Planning Commissioners Academy to be held in Sacramento in March 2020. Planning Commissioners to let staff know if they are interested in attending

Reports of Actions of the Planning Commission

No reports from Planning Commissioners.

Adjournment

Chair Eyeler adjourned the meeting at 9:43 pm.