

**MINUTES
PLANNING COMMISSION
CITY OF YUBA CITY
October 23, 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 – arrived at 6:06 p.m.

Daria Ali

Lorie Adams

Richard Doscher (Sutter County Representative)

The Pledge of Allegiance was led by a Commissioner.

Public Comment on Items not on the Agenda

The Planning Commission welcomed those in attendance and encouraged them to participate in the meeting. Public comment is taken on items listed on the agenda when they are called. Public comment 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 be 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 statement to three minutes.

Approval of Minutes

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

3. Minutes of January 9, 2019

Commissioner Shannon corrected the name of a speaker under Public Comments, Alan Nakagawa, and directed staff to delete the second paragraph under Development Services Director's Report ("Commissioner Adams ... City.")

Commissioner Ali noted that the Minutes of the November 28 meeting was not a consent item and that the word "agenized" under Pubic Hearing should be spelled "agendized."

Chair Eyeler noted that Item No. 4 under Public Hearing was pulled by staff in order to permit additional discussions and public comment. He stated that no action was taken on this item.

Motion by: Commissioner Ali to deny the minutes to allow staff to make the noted corrections and revisions, then put them on a future agenda for Commission consideration.

Second by: Commissioner Shannon

Vote: All Commissioners voted aye, by assent.

The vote passed 7 – 0.

4. Minutes of April 24, 2019

Chair Eyeler directed staff to check all documents for the correct spelling of "agendized," as noted in Item No. 3, above, and indicated that the vote on Item No. 5 should reflect that he abstained. Commissioner Adams asked that her first name be spelled correctly under Roll Call.

Commissioner Adams noted that the word "the" should be changed to "they" in the first line (fifth word) of Chair Eyeler's comments on page four in the eighth paragraph.

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

Second by: Commissioner Adams

Vote: All Commissioners voted aye, by assent.

The vote passed 7 – 0.

5. Minutes of August 28, 2019

Chair Eyeler indicated that he was pleased that staff was catching up on the Commission's minutes.

Commissioner Adams noted that on page three, paragraph 11 of Item No. 5 the project description was not dated "August 28th."

Commissioner Shannon noted that on page four, paragraph three of Item No. 5 that a comma is needed after the word “applicant.”

Chair Eyeler noted that the reference to a gun club should be changed to the Colusa Shooting Club on page five, under Report of Actions of the Planning Commission and that he, rather than Commissioner Ali, adjourned the meeting.

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

Second by: Commissioner Ali

Vote: All Commissioners voted aye, by assent.

The vote passed 7 – 0.

6. Minutes of September 11, 2019

Commissioner Ali noted that on page five, paragraph 10 of Item No. 5, any changes to the use should come back “to,” rather than “through,” the Planning Commission.

Chair Eyeler noted that on page five, paragraph 15 of Item No. 5 the word “patron” should be changed to “patronize.” In the following paragraph, he noted that Mr. Payne’s comments should reflect that patients are allowed to come and go, under supervision, at a residential facility, but not at a psychiatric health facility. On page six, paragraph 2 of Item No. 5, the word “spoke” should be changed to “spoken” and that in paragraph 14 on the same page, Commissioner Ali, not Commissioner Shannon, reread the condition language.

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.

Following the votes on the four sets of minutes, the Commission offered the following comments:

Commissioner Shannon: staff needs to add the word “agendized” to the word check template,

Chair Eyeler: if an outside firm is used for the preparation of the draft minutes, the documents should be carefully reviewed by staff, or the Commission if necessary, before they are provided to the public,

Commissioner Ali observed that the minutes are generally improving,

Commissioner Blake noted that she still wants the training that was addressed in the August 28, 2019 minutes under Development Services Director Report, and

Commissioner Shannon indicated that she also wants the parliamentary training and felt that the City can afford to have it provided by a consultant in a workshop, rather than simply by staff. She also wanted her comments to be included in the minutes for this meeting.

Public Hearings

After the staff report for each agenda item, members of the public shall be allowed to address the Planning Commission regarding the item being considered. Any person wishing to testify should first state their name and address.

All interested parties are invited to attend the hearing and express their opinions on this project. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

7. Consideration of a requested extension of time to complete a Final Map for TM17-02.

The subdivision allows for the creation of 4 lots on a 1.21-acre parcel, with lot sizes ranging from 0.16 to 0.31 acres, located on the east side of Stabler Lane, south of Buena Vista Lane. (APN 59-030-108)

Richard Larrouy, Contract Planner, presented the staff report to the Planning Commission and clarified for the Commission any extension may be granted would be added to the subdivision's expiration date of November 3, 2019. He also noted, as per the direction of Brian Millar, the Commission could grant an extension of up to two years, based on the provisions of the State Subdivision Map Act. Mr. Larrouy noted that the City Zoning Ordinance's subdivision regulations allowed a maximum of two extensions of up to 18 months each.

In response to a question from Commissioner Shannon, Mr. Larrouy confirmed that approval of the subdivision "ran with the land" and could be transferred in conjunction with the sale of the property.

In response to a comment from Commissioner Shaffer, Mr. Larrouy indicated Condition No. 9 should read "in compliance," rather than "incompliance." Staff was asked to correct the condition to avoid future confusion.

Mr. Larrouy responded to questions from Commissioners Adams and Shannon regarding the length of a potential extension.

Commission Adams noted that an 18-month extension had been approved for a Tentative Map application on Franklin Road.

Chair Eyeler opened the meeting for public comment on this item.

The project engineer, George Musallam, addressed the Commission, noting he agrees with the project's conditions and would prefer a two-year, rather than an 18-month, extension. There

were no questions for the project engineer and no one else wished to direct comments to the Commission regarding the project.

The public hearing was closed.

Motion by: Commissioner Ali to approve a two-year extension for the Tentative Map application.
Second by: Commissioner Shannon

Commissioner Adams stated she would prefer an 18-month extension. Commissioners Shannon and Ali noted this was the first extension that had been requested for the project. Chair Eyeler felt that a two-year extension was appropriate, given the time and costs involved in developing the project.

Vote: Chair Eyeler and Commissioners Blake, Shannon, Shaffer, Ali, and Doscher voted aye and Commissioner Adams voted no, by assent.

The vote passed 6 – 1.

8. Consideration of a requested extension of time to implement UP 07-13.

The project provides for the construction of a new religious institution, located at the southeast corner of State Route 20 (Colusa Highway) and El Margarita Road. (APN 63-010-090).

Richard Larrouy presented the staff report to the Planning Commission.

Chair Eyeler opened the meeting for public comment on this item.

The applicant, Pastor Michael Ciociola, did not have a presentation but indicated he would answer questions from the Commission regarding the project.

Commissioner Adams asked the applicant to discuss what happened since the project was originally approved and where the project would be in 12 months if an extension was granted. Mr. Ciociola described the sale and potential sale of portions of the site – shown as Phase III on the approved site plan - and briefly discussed the cost estimate for completing the project within 1.5 to two years.

In response to a question from Commissioner Adams, the applicant discussed his plans to occupy the existing sanctuary until the new structure is constructed.

In response to a question from Commissioner Shannon, the applicant indicated there would be sufficient area for both parking and recreation on the Phase I and II portions of the site. He also provided clarification regarding the acreage of the portion of the site that has been and will be sold.

In response to Commissioner Ali's question regarding the four extensions that have already been granted for the project, the applicant stated the delay was necessitated by financial considerations; specifically, not wanting to incur a large mortgage. The applicant indicated the

portion of the site that is planned to be sold could be occupied by either an auto-related use or a retail sales company.

In response to a question from Chair Eyeler, the applicant stated the project site is being kept clear of weeds.

In response to an inquiry from Commissioner Adams, Mr. Larrouy addressed issues related to the possible creation of one or more parcels from the Phase III portion of the site.

Chair Eyeler stated for the record he had spoken with the applicant and visited the site. There were no additional questions for the applicant and no one else wished to direct comments to the Commission regarding the project.

The public hearing was closed.

Commissioner Shannon expressed concerns regarding the difference between the project's 2009 conditions and those that are used at this time, the amount of time has passed since the project was first approved, and the possible need to update the project's conditions.

In response to questions from Commissioner Ali, Ben Moody described in general details the nature of the Reimbursement Agreement and "proportionate share" payments for traffic signal improvements (Condition No. 41).

Commissioner Adams stated based on its wording, she believed that the proportionate share condition was not indexed for inflation. She also commented on the age of the City's Design Review Guidelines. She stated she would prefer a one-year, rather than a two-year, extension, with the possibility of additional time if adequate progress had been made during the one-year extension.

In response to questions from Commissioner Shannon, Ben Moody stated the request for extension does not permit changes to be made to the adopted conditions.

In response to questions from the Commission, Michael Rock stated that CEQA does not have a shelf life and that the applicant is not obligated to provide additional environmental analysis. He also indicated that the Commission's decision on the project is whether or not to approve the requested extension. Following these comments, Chair Eyeler called for a motion on the project.

Motion by: Commissioner Doscher to approve a two-year extension for the Use Permit application.

Second by: Commissioner Blake

Commissioner Ali stated that she would prefer an 18-month extension in order to be able to ensure progress on the project. Neither the motion nor the second were modified in response to the suggested change to the length of the extension.

Vote: Eyeler aye, Blake aye, Shannon aye, Shaffer aye, Ali no, Adams no, Doscher aye, by roll call vote.

The vote passed 5 – 2.

The Chair called for a five-minute break at 7:40 p.m. before the start of the Development Services Director's Report.

Development Services Director Report

Reporting for Brian Millar, Richard Larrouy provided the following information to the Planning Commission:

- the City's Planning Manager is no longer employed with the City,
- recruitment for the Development Services Director position is ongoing, with hiring anticipated in early 2020,
- the Bogue-Stewart Master Plan will be before the Commission on November 13,
- the applicant for the Harter project is working on the Development Agreement and processing of the Tentative Maps will resume after the Agreement is submitted,
- the applicant on the LDS Temple project is working with staff and a formal submittal is expected in the coming months,
- Pieology is completing its kitchen improvements and final building inspections will follow,
- final inspections for the Round Table are expected soon,
- Olive Garden will be opening on November 11,
- the applicant for the pet hotel that was recently approved by the Commission is working on the required improvement plans,
- a formal submittal has not yet been made for the Waffle Barn project,
- a potential lease is being negotiated for the Toys R Us site,
- and an application for a hotel at the Old Feather River Mill site is expected to be submitted in the coming weeks.

Reports of Actions of the Planning Commission

Chair Eyeler reported that he had spoken with the City Manager about the proposed training session for the Commission. The training may be early next year and will consider the schedules of other boards. He also reported that Huckleberry's had just opened in the last couple of days. In response to a question from Commissioner Blake, he reported that Dutch Bros is now open.

Commissioner Doscher reported that a truck yard that had been operating without permits for a year in the County near Oswald and Orchard was denied by the County Planning Commission.

Commissioner Ali reported that the California League of Cities Academy has been scheduled for March 4 through 6, 2020. Chair Eyeler noted that the City should send some of the Commissioners to it.

Chair Eyeler noted that the next meeting of the Planning Commission is scheduled for November 13, 2019, and that the agenda is expected to include a Dollar General store and Bogue-Stewart Master Plan. He requested that staff not schedule a Commission meeting on November 27, 2019.

Adjournment

Chair Eyeler adjourned the meeting at 7:56 p.m.